

APPEAL NO. 010360

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on January 24, 2001. The hearing officer determined that the compensable injury of the appellant (claimant) did not extend to an inguinal or umbilical hernia, that claimant did not have disability for the claimed period, and that good cause did not exist to relieve claimant of the effects of his benefit review conference (BRC) agreement. Claimant appealed these determinations, citing evidence in support of his position. Respondent (carrier) responded that the Appeals Panel should affirm the hearing officer's decision and order.

DECISION

We affirm.

Claimant contends that the hearing officer abused his discretion in determining that good cause did not exist to relieve him of the effects of his December 1998 BRC agreement in which he agreed that the compensable injury did not extend to his back. The applicable law and our standard of review is stated in Texas Workers' Compensation Commission Appeal No. 992397, decided December 13, 1999. We conclude that the hearing officer did not abuse his discretion in determining that there was no good cause to relieve claimant of the BRC agreement.

Regarding the determinations about extent of injury and disability, these matters involved fact issues, which the hearing officer resolved. We conclude that the hearing officer's determinations are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

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Judy L. S. Barnes  
Appeals Judge

CONCUR:

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Susan M. Kelley  
Appeals Judge

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Philip F. O'Neill  
Appeals Judge