

APPEAL NO. 010426

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 February 6, 2001. There were two issues at the hearing:

1. Did the respondent (claimant) sustain a compensable injury to his lumbar spine on \_\_\_\_\_?
2. Did the claimant have disability from September 26, 2000 to the present?

The appellant (carrier) appeals. There is no response from the claimant.

DECISION

Affirmed.

Evidence was received as to both issues; the hearing officer found that the claimant did sustain a compensable injury on \_\_\_\_\_, and that he did have disability. The existence of the injury and the resulting disability presented questions of fact for the hearing officer to decide. Applying our standard of review, we conclude that the hearing officer's determinations regarding injury and resulting disability 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).

The decision and order of the hearing officer are affirmed.

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Gary L. Kilgore  
Appeals Judge

CONCUR:

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Thomas A. Knapp  
Appeals Judge

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Philip F. O'Neill  
Appeals Judge