

APPEAL NO. 010987  
FILED JUNE 21, 2001

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 June 28, 2000, and April 23, 2001. With regard to the disputed issue before him, the hearing officer determined that the \_\_\_\_\_, compensable low back injury of the respondent (claimant) extended to a psychological condition. The appellant (carrier) has appealed, contending that the hearing officer's determination is against the great weight and preponderance of the evidence. The file contains no response from the claimant.

DECISION

We affirm.

We have reviewed the complained-of determination and conclude that the issue involved a fact question for the hearing officer. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determination is 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).

Carrier complains that the hearing officer did not state what claimant's psychological diagnosis is. In the discussion portion of the decision, the hearing officer acknowledged claimant's prior psychological problems and stated:

[H]e was essentially asymptomatic up until \_\_\_\_\_, and . . . at least in part . . . due to pain, the claimant developed severe or major depression. . . . He became deeply depressed . . . .

The hearing officer stated that claimant may or may not have manic depressive illness. In his discussion of the evidence, the hearing officer said, "[claimant] has suffered an aggravation of a pre-existing condition in the form of major depression." This indicates that the hearing officer found that there was an aggravation of preexisting depression.

Carrier complains that aggravation was not raised at the hearing. However, the issue of extent of injury was raised and this includes any issue of aggravation. Further, there was evidence before the hearing officer regarding whether claimant had preexisting psychological conditions and what they were. There was also argument regarding an aggravation injury and whether claimant sustained an aggravation of his alleged manic depression. We perceive no error.

We affirm the hearing officer's decision and order.

---

Judy L. S. Barnes  
Appeals Judge

CONCUR:

---

Robert E. Lang  
Appeals Panel  
Manager/Judge

---

Philip F. O'Neill  
Appeals Judge