

APPEAL NO. 010994
FILED JUNE 13, 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 April 13, 2001. The sole issue was whether the compensable (elbow and left shoulder) injury of _____ extends to and includes the appellant's (claimant) cervical spine; the hearing officer found that it did not. The claimant appeals on the basis that the ruling is against the great weight and preponderance of the evidence.

DECISION

Affirmed.

As to the matter of the extent of claimant's injury, evidence conflicted as to whether the claimant's cervical problems were preexisting or caused by trauma. Extent of injury is a question of fact for the hearing officer to decide, and will not be disturbed on appeal unless it is against the great weight and preponderance of the evidence. Cain v. Bain 709 S.W.2d 175, 176 (Tex. 1986). We do not so find.

The decision and order of the hearing officer are affirmed.

Thomas A. Knapp
Appeals Judge

CONCUR:

Michael B. McShane
Appeals Judge

Philip F. O'Neill
Appeals Judge