

APPEAL NO. 011001  
FILED JUNE 1, 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 12, 2001. The hearing officer determined that neither the \_\_\_\_\_, compensable injury, nor the \_\_\_\_\_, compensable injury of appellant (claimant) extends to include the cervical area. Claimant appealed the determination that the \_\_\_\_\_ compensable injury did not include the neck on sufficiency grounds. Claimant also complains of the exclusion of an April 10, 2001, report from Dr. G. Respondents (carrier 1) and (carrier 2) responded that the Appeals Panel should affirm the hearing officer's decision and order.

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). Regarding the alleged improper exclusion of evidence, the record does not support claimant's contention. The hearing officer did not exclude an April 10, 2001, report from Dr. G. We have reviewed the record and it reflects that no such exhibit was offered, objected to, admitted, or excluded. The hearing officer did not abuse her discretion in excluding such an exhibit.

We affirm the hearing officer's decision and order.

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Judy L. S. Barnes  
Appeals Judge

CONCUR:

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Thomas A. Knapp  
Appeals Judge

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Robert E. Lang  
Appeals Panel

Manager/Judge