

APPEAL NO. 011015
FILED JUNE 14, 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 17, 2001. With regard to the only issue before her the hearing officer determined that the respondent's (claimant) compensable (groin and left thigh) injury includes the lumbar spine. The appellant's (self-insured) appeal emphasizes that the claimant had a preexisting low back condition and that Dr. G, the claimant's original treating doctor, is of the opinion that the claimant did not sustain a new back injury. The claimant responds urging affirmance.

DECISION

Affirmed.

It is undisputed that the claimant had a serious and long standing (since 1993) low back injury and on _____ (two days prior to his injury) was seen by Dr. G for increasing back pain. The parties stipulated that the claimant sustained a compensable injury on _____, and the self-insured accepted liability for a groin and left thigh injury. Dr. G in a report dated September 21, 1999, noted that the claimant had been scheduled to continue with an epidural steroid injection and that "he has had an exacerbation of his injury." In a September 30, 1999, report Dr. G states that although the claimant's pain in his "leg and back are increased due to the injury at work, it would be unlikely that further discogenic disease occurred." In later reports (including a report of February 14, 2000) Dr. G states "there is no related injury to his back from the injury he sustained to his groin in the Fall of 1999." Evidence to the contrary includes a report of September 18, 2000, from Dr. R who states that the claimant "has had an aggravation of a preexisting condition related to an on-the-job injury on _____."

The hearing officer comments, "Medical opinions differ in this case, but the credible evidence supports the determination that on _____. Claimant sustained an aggravation of a pre-existing back injury." As the hearing officer notes there was conflicting evidence in this case. The hearing officer weighed the credibility and inconsistencies in the evidence and the hearing officer's determinations on the issue before her is not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951).

Accordingly the hearing officer's decision and order are affirmed.

Thomas A. Knapp
Appeals Judge

CONCUR:

Judy L. Barnes
Appeals Judge

Elaine M. Chaney
Appeals Judge