

APPEAL NO. 011380
FILED AUGUST 01, 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 May 21, 2001. The hearing officer resolved the disputed issue by deciding that the appellant (claimant) did not sustain a compensable injury to her back in addition to her left hip and left knee on _____. The claimant appealed and the respondent (self-insured) responded.

DECISION

The hearing officer's decision is affirmed.

The hearing officer did not err in determining that the claimant did not sustain a compensable injury to her back in addition to her left hip and left knee on _____. Section 401.011(10) defines "compensable injury." The claimant testified that she injured her back, left hip, and left knee when she fell on stairs at work on _____. The parties stipulated that the claimant sustained a compensable injury to her left knee and a contusion to her left hip when she fell. The issue before the hearing officer was whether the claimant also sustained a back injury. There is no mention of back problems in the medical records until seven months after the injury. There are conflicting medical opinions with regard to whether the claimant's back condition is causally related to her work-related injury. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established from the evidence presented. The hearing officer's decision is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust.

The hearing officer's decision and order are affirmed.

Robert W. Potts
Appeals Judge

CONCUR:

Michael B. McShane
Appeals Judge

Philip F. O'Neill
Appeals Judge