

APPEAL NO. 011526
FILED AUGUST 17, 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 (CCH) was held on May 8, 2001. The hearing officer resolved the disputed issue by deciding that the respondent's (claimant) compensable injury of _____, extends to include the claimant's cervical spine, but does not extend to include the claimant's thoracic spine. The appellant (carrier) appealed the hearing officer's decision that the compensable injury extends to include the claimant's cervical spine. The claimant responded, requesting affirmance. There is no appeal of the hearing officer's decision that the compensable injury does not extend to include the claimant's thoracic spine.

DECISION

The hearing officer's decision and order are affirmed.

The hearing officer did not err in determining that the claimant's compensable injury extends to include his cervical spine. It is undisputed that the claimant sustained a compensable injury to his lower back when he was involved in an accident. Conflicting evidence was presented at the CCH on the disputed issue of the extent of the compensable 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. As a general rule, in workers' compensation cases, the issue of injury may be established by the testimony of the claimant alone. Houston General Insurance Company v. Pegues, 514 S.W.2d 492 (Tex. Civ. App.-Texarkana 1974, writ ref'd n.r.e.). 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:

Elaine M. Chaney
Appeals Judge

Gary L. Kilgore
Appeals Judge