

APPEAL NO. 011793
FILED SEPTEMBER 5, 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 July 10, 2001. The hearing officer determined that the appellant's (claimant) compensable low back injury of _____, did not extend to or include "a pulled muscle and numbness in the right leg."

The claimant appealed, citing the report of her treating doctor. The respondent (carrier) responds, urging affirmance.

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable low back sprain injury on _____. The claimant received some physical therapy (no leg numbness or tingling was noted), which was completed on June 18, 1997. The claimant returned to work and had a cervical injury (not at issue here) in June 1998. The claimant began treating with Dr. S on November 30, 1998 (for the cervical injury). The claimant complained of some lumbar pain in January 1999, while undergoing physical therapy for her cervical injury. The next lumbar complaint was in January 2000 when the claimant complained of "numbness in the right lower extremity for the past month." A lumbar MRI performed on March 21, 2000, was normal.

Dr. S, in a report of February 1, 2001, noted that the claimant had a left upper extremity injury in September 1994; a neck injury in October 1995; the stipulated low back injury of _____; and a right upper extremity injury (referred to as neck injury) in June 1998. Dr. S was of the opinion "that the injury of 5-13-97 was the approximate cause of the lumbar spine complaints and condition reported by [claimant]," without further explanation. The hearing officer comments that the report is conclusory and fails to show a relationship between the compensable 1997 injury and the claimant's current right leg complaints.

The hearing officer is the sole judge of the weight and credibility to be given to the evidence (Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ)) and this is equally true of medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). The hearing officer's decision is supported by the evidence and is not against the great weight and preponderance of the evidence. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

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

The true corporate name of the insurance carrier is **ACE USA** and the name and address of its registered agent for service of process is

**MARCUS MERRITT
VICE-PRESIDENT OF ACE USA
6600 CAMPUS CIRCLE DRIVE EAST, SUITE 200
IRVING, TEXAS 75063.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Michael B. McShane
Appeals Judge