

APPEAL NO. 011831  
FILED SEPTEMBER 18, 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 resolved the disputed issues by determining that the appellant's (claimant) compensable injury of \_\_\_\_\_, does not extend to or include the cervical spine, and that the claimant did not have disability as a result of the compensable injury of \_\_\_\_\_. The claimant appealed and the respondent (self-insured) responded, urging affirmance.

DECISION

Affirmed.

The claimant sustained a compensable injury on \_\_\_\_\_, when she was accidentally knocked to the floor from a squatting position by a coworker. The claimant was immediately examined at the employer's emergency room (ER) for her complaints of pain to the left shoulder, arm, and hip. The claimant's neck is not mentioned in these records. The claimant presented to a chiropractor on November 13, 2000, who took the claimant off work for shoulder and neck pain. The claimant testified that on a scale of 10, her neck pain rated a 9 or 10. Through an MRI, it was later determined that the claimant had posterior herniations at C2-3 through C6-7, central canal stenosis at all levels, and mild cord effacement at C3-4, C5-6, and C6-7.

The hearing officer reviewed all of the evidence and determined that the mechanism of injury does not support a claim of multiple cervical herniations, and that the claimant's compensable injury did not prevent her from obtaining or retaining employment at wages equivalent to her preinjury wages. The hearing officer additionally pointed out that the initial ER records do not reflect any complaints of neck pain. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). The determination of whether or not the claimant sustained the claimed injuries in the manner alleged and whether she had disability, are questions of fact for the hearing officer to resolve. We will reverse a factual determination of a hearing officer only if that determination is so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986). Applying this standard of review to the record of this case, we decline to substitute our opinion of the credibility of the evidence for that of the hearing officer.

The hearing officer's decision and order are affirmed.

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

**JAVIER GARZA  
201 W. 7th ST.  
AUSTIN, TEXAS 78701-2902.**

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Susan M. Kelley  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Michael B. McShane  
Appeals Judge