

APPEAL NO. 011935
FILED SEPTEMBER 13, 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 17, 2001. The hearing officer resolved the disputed issue by deciding that the respondent's (claimant) depression is part of the compensable injury of _____. The appellant (carrier) appealed and the claimant responded.

DECISION

The hearing officer's decision is affirmed.

It is undisputed that the claimant sustained a compensable injury in a motor vehicle accident. The claimant testified that his depression is caused by the pain he has experienced as a result of his compensable injury. Dr. N, one of the doctors who has treated the claimant for his work-related injury, diagnosed the claimant as having injuries to his neck and back and noted that the claimant was in severe pain. Dr. N later reported that the claimant suffers from depression associated with his chronic pain and that prescribing antidepressants was part of the treatment plan. Dr. N also referred the claimant for a psychological evaluation. A doctor who examined the claimant at the carrier's request diagnosed the claimant as having major depression, which arose after the 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.

The true corporate name of the insurance carrier is **VIRGINIA SURETY COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS
AUSTIN, TEXAS 78701.**

Robert W. Potts
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Gary L. Kilgore
Appeals Judge