

APPEAL NO. 012014  
FILED OCTOBER 16, 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 August 2, 2001. The hearing officer determined that (1) the compensable injury of \_\_\_\_\_, includes the respondent's (claimant) current lumbar spine problems; (2) the compensable injury does not extend to include depression and anxiety; (3) the claimant is not entitled to supplemental income benefits (SIBs) for the seventh quarter; and (4) the claimant is not entitled to SIBs for the eighth quarter. The appellant (carrier) appeals the determination with regard to the lumbar spine on sufficiency grounds. No response or cross-appeal was filed by the claimant. The hearing officer's extent of injury and SIBs determinations have not been appealed and are, therefore, final.

DECISION

Affirmed.

The hearing officer did not err in determining that the compensable injury of \_\_\_\_\_, includes the claimant's current lumbar spine problems. The parties agreed, in a prior proceeding, that the carrier waived its right to contest compensability of the claimant's lumbar spine problems, thereby including these conditions in the compensable injury of \_\_\_\_\_. Notwithstanding, the carrier now asserts that the claimant's low back problems are not a result of the compensable injury, but are related to degenerative disc disease or a subsequent injury.

Whether the claimant's current lumbar spine problems are a result of the compensable injury of \_\_\_\_\_, was a question of fact for the hearing officer. Texas Workers' Compensation Commission Appeal No. 94199, decided April 4, 1994. There was conflicting evidence presented with regard to this issue. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). In view of the evidence presented, we cannot conclude that the hearing officer's determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **(SELF-INSURED)** and the name and address of its registered agent for service of process is

**C.T. CORPORATION SYSTEM  
350 N. ST. PAUL STREET  
DALLAS, TEXAS 75201.**

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Gary L. Kilgore  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Michael B. McShane  
Appeals Judge