

APPEAL NO. 012420  
FILED NOVEMBER 30, 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 September 5, 2001. The hearing officer resolved the disputed issue by deciding that the appellant's (claimant) compensable injury of \_\_\_\_\_, does not extend to or include an injury to the lower back. The claimant appealed. No response was received from the carrier.

DECISION

The hearing officer's decision is affirmed.

The parties stipulated that the claimant sustained a compensable injury to her neck. The injury occurred when boxes fell on the claimant at work. The issue is whether the compensable injury extends to the claimant's lower back. The claimant had the burden to prove that her lower back is part of the compensable injury. Texas Workers' Compensation Commission Appeal No. 001769, decided September 8, 2000. Conflicting evidence was presented on the disputed issue. The hearing officer apparently did not find the claimant's testimony on the disputed issue to be credible in that he noted inconsistencies in her testimony and determined that she had not sustained her burden of proof. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the trier of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. 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. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

With regard to the claimant's request that the Appeals Panel not consider Carrier's Exhibit No. 6, that exhibit has not been considered because it was not admitted into evidence at the CCH.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**ROBERT PARNELL  
8144 WALNUT HILL LANE  
SUITE 1600  
DALLAS, TEXAS 75231-4813.**

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Robert W. Potts  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Susan M. Kelley  
Appeals Judge