

APPEAL NO. 013052
FILED FEBRUARY 5, 2002

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 November 27, 2001, with the record closing on November 29, 2001. In resolving the issues before her, the hearing officer determined that the respondent's (claimant) _____, compensable injury, in the form of a cervical and right shoulder sprain/strain, extended to and included multilevel disc herniations at C3-4, C4-5, C5-6, and C6-7, but did not extend to cervical spinal stenosis or to a rotator cuff tear in the claimant's right shoulder. In addition, the hearing officer resolved that the claimant had disability beginning July 27, 2001, and continuing through November 27, 2001, and that the employer had not made a bona fide offer of employment to the claimant pursuant to the requirements of Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 129.6 (Rule 129.6). The appellant (self-insured) appealed on sufficiency grounds the extent determination regarding the multilevel disc herniations, the disability determination, and the determination that the employer did not make a bona fide offer, seeking reversal. There is no response in the file from the claimant.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant's _____, compensable injury, in the form of a cervical and right shoulder sprain/strain, extended to and included multilevel disc herniations at C3-4, C4-5, C5-6, and C6-7, but did not extend to cervical spinal stenosis or to a rotator cuff tear in the claimant's right shoulder. Nor did the hearing officer err in determining that the claimant had disability from July 27 through November 27, 2001. The medical evidence and the claimant's testimony sufficiently support the hearing officer's conclusions. The parties presented conflicting evidence on these issues. We have reviewed these issues and conclude that they involved fact questions for the hearing officer. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). The hearing officer reviewed the record and resolved what facts were established. We conclude that the hearing officer's determinations are sufficiently supported by the record and are not 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, 176 (Tex. 1986).

The hearing officer did not err in determining that the employer did not make a bona fide offer of employment to the claimant in compliance with Rule 129.6. The document purported by the self-insured to be the alleged offer of employment appears, as decided by the hearing officer, to lack some of the requirements as set out in the rule, including the wage to be paid the claimant at the proposed position.

The hearing officer's decision and order are affirmed.

The true corporate name of the self-insured is **(a certified self-insured)** and the name and address of its registered agent for service of process is

**CT CORPORATION
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Terri Kay Oliver
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Robert W. Potts
Appeals Judge