

APPEAL NO. 013116
FILED FEBRUARY 4, 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 (CCH) was held on November 15, 2001. With respect to the disputed issues, the appellant/cross-respondent (carrier) appealed the hearing officer's determination that the compensable injury extends to a herniated lumbar disc. The respondent/cross-appellant (claimant) appeals the hearing officer's determination that the Texas Workers' Compensation Commission (Commission) has jurisdiction to determine the extent of the claimant's compensable injury. The claimant responded to the carrier's appeal, urging affirmance of the extent-of-injury determination. The carrier responded to the claimant's cross-appeal, urging affirmance of the jurisdiction determination.

DECISION

The hearing officer's decision is affirmed.

EXTENT OF INJURY

There is sufficient evidence to support the hearing officer's determination that the claimant's compensable injury extends to include a herniated lumbar disc. It is undisputed that the claimant sustained a compensable injury to her lower back. Conflicting evidence was presented at the CCH on the disputed issue of the extent of the compensable 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. As a general rule, in workers' compensation cases, the issue of injury may be established by the testimony of the claimant alone. Houston General Insurance Company v. Pegues, 514 S.W.2d 492 (Tex. Civ. App.-Texarkana 1974, writ ref'd n.r.e.). 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, 176 (Tex. 1986).

COMMISSION'S JURISDICTION

The claimant contends that the Commission does not have jurisdiction to determine the extent of the compensable injury, arguing that the issue was decided at a previous CCH. The issue at the previous CCH was limited to whether the claimant had sustained an injury, and, if so, the period of disability. We do not find the doctrine of *res judicata* applicable under the facts of this case. Under our standard of appellate review, we find the evidence sufficient to support the hearing officer's determination. In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS, SUITE 750, COMMODORE 1
AUSTIN, TEXAS 78701.**

Michael B. McShane
Appeals Judge

CONCUR IN THE RESULT:

Gary L. Kilgore
Appeals Judge

Edward Vilano
Appeals Judge