

APPEAL NO. 013135
FILED FEBRUARY 13, 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 28, 2001. The hearing officer determined that the respondent's (claimant) _____, compensable right shoulder and thoracic spine injury extends to and includes a right trapezius muscle injury, but that it does not extend to and include headaches, blurred vision, and blackouts. The appellant (self-insured) appealed the hearing officer's determination that the compensable injury includes a right trapezius muscle injury on sufficiency grounds. There is no response from the claimant in the file. As there is no appeal of the hearing officer's determination that the compensable injury does not extend to and include headaches, blurred vision, and blackouts, that determination has become final. Section 410.169.

DECISION

We affirm.

It was undisputed that on _____, while in the course and scope of her employment as a substitute teacher for the self-insured, the claimant was struck in the back by a student. The claimant testified that she sought medical treatment that same day. On appeal, the self-insured asserts that the hearing officer erred in determining that the claimant sustained an injury to her neck. Upon review of the hearing officer's decision and order, we cannot agree that the hearing officer made such a determination. The hearing officer determined that the source of the claimant's neck pain was a trapezius muscle sprain/strain, and that other than those already accepted by the self-insured (right shoulder and thoracic spine), that was the only additional compensable injury resulting from the _____, incident. The hearing officer's determination that the claimant sustained a compensable trapezius muscle sprain/strain is supported by the medical records in evidence and is not so against the great weight and preponderance of the evidence so as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to disturb that determination on appeal. Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986); Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

According to information provided by carrier, the true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**JS
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Gary L. Kilgore
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Edward Vilano
Appeals Judge