

APPEAL NO. 020035  
FILED FEBRUARY 20, 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 December 11, 2001. The hearing officer determined that the compensable injury sustained by the respondent (claimant) on \_\_\_\_\_, includes an injury to his penis prosthesis. On appeal, the appellant (carrier) contends that this determination is not supported by the evidence and, alternatively, is against the great weight and preponderance of the evidence. The claimant urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the compensable injury sustained by the claimant includes his penis prosthesis. Generally, where the only resulting condition from an incident is damage to a prosthetic device without any corresponding injury to a body part, such would not result in a compensable injury. Texas Workers' Compensation Commission Appeal No. 91001, decided July 31, 1991. However, whether there is any injury or bodily harm to support a determination that an injury includes damage to a prosthetic device is basically a factual issue for the hearing officer to resolve. The hearing officer determined that the incident resulted in a tear to the crura, which caused the prosthesis to malfunction and, therefore, the compensable injury includes an injury to the claimant's penis prosthesis. Nothing in our review of the record indicates that this 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, 176 (Tex. 1986).

The decision and order of the hearing are affirmed.

The true corporate name of the 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.**

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Chris Cowan  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Robert W. Potts  
Appeals Judge