

APPEAL NO. 020095
FILED FEBRUARY 21, 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 December 10, 2001. The hearing officer determined that the compensable injury of _____, does extend to and include the respondent's (claimant) current condition of L3-4 and L4-5 disc bulges, and that the claimant did have disability resulting from an injury sustained on _____, beginning on December 1, 1999, and continuing through July 1, 2000, and beginning on August 12, 2000, and continuing through the date of the CCH. The appellant (carrier) appealed, arguing that the hearing officer erred in determining extent of injury and disability. The claimant filed a response urging affirmance.

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable injury to her left ribs and lower back on _____. While working for the employer, the claimant sustained an injury when she reached up from her chair to grab a file and as she attempted to sit down, her chair had rolled out from under her, causing her to fall to the floor. The medical records in evidence dated December 2, 1998, show that the claimant was diagnosed with a contusion of the rib cage, contusion of chest, clavicle, and back strain. The claimant stated that she worked for her employer from March 1998 to February 1999. While later working for another employer, the claimant felt a sharp pain to her back as she reached for a blow dryer at home on November 26, 1999. The medical records in evidence show that the claimant had an MRI on December 10, 1999, which indicated "a large disc protrusion is seen at L4-5 and a minor disc bulge is seen at L3-4." Also, the medical records in evidence dated December 13, 1999, and December 19, 2000, indicate that Dr. D opined that the November 26, 1999, pain episode is related to the compensable injury of _____. The claimant did not have medical treatment for over a year following her injury. There are medical records that characterized her second pain episode as an exacerbation.

The hearing officer did not err in determining that the claimant's compensable injury does extend to and include her current condition of L3-4 and L4-5 disc bulges. Extent of injury is a question of fact. Texas Workers' Compensation Commission Appeal No. 93613, decided August 24, 1993. Likewise, the hearing officer did not err in determining that the claimant did sustain disability as a result of the compensable injury.

The hearing officer is the sole judge of the weight and credibility of the evidence. The fact that, as in this case, different inferences could be drawn from conflicting evidence will not compel the Appeals Panel to set aside the decision. See Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). The Appeals Panel will not disturb the challenged factual findings of a

hearing officer unless they are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust and we do not find them so in this case. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951). There is support for the hearing officer's decision and order, and they are affirmed.

The true corporate name of the insurance carrier is **UNITED PACIFIC INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**TIMOTHY J. McGUIRE
633 NORTH STATE HIGHWAY 161
SUITE 200
IRVING, TEXAS 75038.**

Susan M. Kelley
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Robert W. Potts
Appeals Judge