

APPEAL NO. 020260
FILED MARCH 19, 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 January 9, 2002. The hearing officer determined that the compensable injury sustained by the respondent (claimant) on _____, does not include injuries to the right shoulder or cervical spine, but does include an injury to the lumbar spine; that the employer tendered a bona fide offer of employment to the claimant; and that the claimant had disability beginning on July 26, 2001, and continuing through August 10, 2001. The appellant (carrier) appeals the extent-of-injury determination, contending that is not supported by sufficient evidence. The appeals file contains no response from the claimant.

DECISION

Affirmed.

The hearing officer determined that on _____, the claimant sustained a lumbar aggravation injury in addition to the compensable left ankle injury. Section 410.165(a) provides that the contested case hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as of the weight and credibility that is to be given the evidence. Nothing in our review of the record indicates that the hearing officer's extent-of-injury 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 officer are affirmed.

The true corporate name of the carrier **LUMBERMENS MUTUAL CASUALTY COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS
AUSTIN, TEXAS 78701.**

Chris Cowan
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Thomas A. Knapp
Appeals Judge