APPEAL NO. 020262
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 14, 2002. With respect to the issues before her, the hearing officer determined that the respondent's (claimant) compensable injury includes a 3 mm disc herniation at L5-S1, a 3 mm posterior central disc herniation at L4-5, a 6 mm disc herniation at C6-C7, and a 2 mm disc herniation at C3-C4; and that the claimant had disability, as a result of her compensable injury, from October 15, 2000, through the date of the hearing. The appellant (self-insured) appeals, arguing that the hearing officer's extent-of-injury and disability determinations are against the great weight and preponderance of the evidence, are not supported by the evidence, are not supported by legally sufficient evidence, or are arbitrary and in error. The appeal file does not contain a response to the self-insured's request for review from the claimant.

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable injury on _____. The self-insured argues that the claimant failed to establish that she sustained anything more than a sprain/strain on _____, and that the claimant's mechanism of injury does not support her claimed injuries. The self-insured further alleges that the claimant did not provide evidence of a causal connection and that expert medical evidence is required where a claimant contends her injury was caused or aggravated by an incident. We find no merit in the assertion that expert evidence of causation was required where, as here, the claimant alleges that a fall at work caused a disc herniation and/or aggravated a preexisting herniation. *See* Texas Workers' Compensation Commission Appeal No. 991914, decided October 4, 1999; Texas Workers' Compensation Commission Appeal No. 93560, decided August 19, 1993. Nevertheless, we note that the claimant's treating doctor compared a 1996 MRI to an MRI of September 18, 2000, and opined that the self-insured's position that the "[claimant's] injuries are all a result of a previous motor vehicle accident are clearly inaccurate."

Extent of injury and disability are questions of fact for the hearing officer to decide. Texas Workers' Compensation Commission Appeal No. 93613, decided August 24, 1993; Appeal No. 93560, *supra*. Section 410.165(a) provides that the 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. A claimant's testimony alone may establish that an injury has occurred, and disability has resulted from it. Houston Indep. Sch. Dist. v. Harrison, 744 S.W.2d 298, 299 (Tex. App.-Houston [1st Dist.] 1987, no writ). When reviewing a hearing officer's decision for factual sufficiency of the evidence we will reverse the decision only if it is so contrary to 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); Pool v. Ford Motor Co., 715 S.W.2d 629, 635 (Tex. 1986). Applying this standard, we find no grounds to reverse the hearing officer's extent-of-injury or disability determinations.

The hearing officer's decision and order are affirmed.

The true corporate name of the self-insured is **(SELF-INSURED)** and the name and address of its registered agent for service of process is

CT CORPORATION SYSTEMS
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.

Elaine M. Chaney
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Edward Vilano
Appeals Judge