

APPEAL NO. 020415  
FILED APRIL 1, 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 29, 2002. The hearing officer determined that the compensable injury sustained by the respondent (claimant) on \_\_\_\_\_, extends to and includes the claimant's current low back condition. The appellant (carrier) contends on appeal that the hearing officer did not have jurisdiction to make such determination and, as such, his decision should be rendered void. In the alternative, the carrier contends that the hearing officer's decision is against the great weight and preponderance of the evidence. The claimant urges affirmance.

DECISION

Affirmed.

The carrier argues that the hearing officer lacked jurisdiction to make a determination in this case because the "real issue was whether the Claimant is entitled to future benefits for this injury." We disagree. The carrier argued at the hearing that the claimant's compensable back strain/sprain could not extend to and include the claimant's current back condition, which has remained essentially unchanged since the date of injury, because a sprain/strain would resolve and, therefore, the current problems are unrelated to the compensable injury. In Texas Workers' Compensation Commission Appeal No. 991263, decided July 29, 1999 (Unpublished), the Appeals Panel stated:

the issue of whether or not treatment is reasonable and necessary for the claimant's compensable injury in the past or in the future is not within the jurisdiction of the hearing officer. The determination of what "health care is reasonably required by the nature of the injury" is a matter for the Medical Review Division of the Commission [Texas Workers' Compensation Commission]. Section 413.031(a); Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 133.305 (Rule 133.305). The determination of "benefit disputes" are adjudicated by the Commission's Hearings Division. Rule 140.1. A "benefit dispute" is one "regarding compensability or eligibility for, or the amount of, income or death benefits." *Id.*

In the present case, the hearing officer was presented with an extent-of-injury issue, which clearly is a benefit dispute and falls within the jurisdiction of the Hearings Division. We do not agree, as the carrier contends, that the hearing officer conceded that he lacked jurisdiction to render a decision in this matter. The hearing officer merely correctly points out that whether the claimant required the chiropractic treatment that he received for his back condition, and whether he will require future treatment, are issues to be resolved by the Medical Review Division.

Having determined that the hearing officer had jurisdiction to render a decision in this case, we next address the carrier's alternative arguments that the hearing officer failed to properly apply the law, improperly placed the burden of proof on the carrier, failed to adequately justify his decision to the parties, and made a determination that is contrary to the evidence. Nothing in our review of the record substantiates the matters complained of by the carrier or indicates that the hearing officer's decision 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 **TRAVELERS INDEMNITY COMPANY OF CONNECTICUT** and the name and address of its registered agent for service of process is

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

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Chris Cowan  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Gary L. Kilgore  
Appeals Judge