

APPEAL NO. 020424  
FILED MARCH 27, 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 February 5, 2002. With respect to the disputed issues, the appellant (claimant) appealed the hearing officer's determination that the compensable injury of \_\_\_\_\_, does not include injuries to the claimant's lumbar "spine," pointing out that the parties agreed to a cervical injury. The claimant also generally appeals the adverse extent-of-injury finding. The respondent (carrier) agrees to clerical corrections, and otherwise responds, urging affirmance.

DECISION

The hearing officer's decision is affirmed as modified.

Extent of injury is a question of fact for the hearing officer to resolve. Texas Workers' Compensation Commission Appeal No. 93613, decided August 24, 1993. 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).

However, the claimant is correct that clerical errors were made. The hearing officer's Finding of Fact No. 2, that the "Claimant did not injure his spine . . ." is incorrect inasmuch as the issue was whether the injury extended to the claimant's "lumbar spine." The carrier accepted a cervical spine injury. The omission of the word, "lumbar" is a typographical error; accordingly, we modify the hearing officer's Finding of Fact No. 2 to indicate that the "Claimant did not injure his *lumbar* spine . . ."

Further, the hearing officer also misstates the date of injury throughout the decision and order as July 28, 2000, rather than \_\_\_\_\_. Date of injury was not an issue and the correct date was stipulated to be \_\_\_\_\_. Accordingly, we modify the decision and order to correct the date of injury to \_\_\_\_\_.

The decision and order of the hearing officer are affirmed as modified.

The true corporate name of the insurance carrier is **TEXAS PROPERTY AND CASUALTY INSURANCE GUARANTY ASSOCIATION for Credit General Indemnity Company, an impaired carrier** and the name and address of its registered agent for service of process is

**MARVIN KELLY  
TEXAS PROPERTY & CASUALTY INSURANCE GUARANTY ASSOCIATION  
9120 BURNET ROAD  
AUSTIN, TEXAS 78758.**

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Susan M. Kelley  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Terri Kay Oliver  
Appeals Judge