

APPEAL NO. 020521
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 (CCH) was originally held on July 31, 2001. In Texas Workers' Compensation Commission Appeal No. 012196, decided October 24, 2001, the Appeals Panel remanded the case back for reconstruction of the record (the audiotape of the proceeding and the exhibits were missing). The parties agreed to reconstruct the record by resubmission of the hearing officer, appellant (claimant), and respondent (carrier) exhibits and by agreeing to the submission of a summary of the CCH held on July 31, 2001. The remand record was closed on February 1, 2002. The hearing officer determined that the claimant had not sustained a compensable (low back) injury on _____, and that the claimant did not have disability.

The claimant appeals based on sufficiency of the evidence, citing facts and testimony to support his position. The carrier responds, urging affirmance.

DECISION

Affirmed.

The claimant, a custodian at the employer's facility, had a history of a preexisting back injury in 1997. Medical records show treatment for this injury in the year 2000. The claimant again saw his doctor on _____, with the doctor noting "recurrent problems [with] this." The claimant did not give a history of lifting a bucket of water at work to the doctor at this time. The claimant subsequently changed treating doctors to a chiropractor on February 27, 2001. There was conflicting medical evidence regarding the causation of the claimant's back problems and inability to work.

We have reviewed the complained-of determinations and conclude that the issues involved fact questions for the hearing officer. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determinations are not 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 hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **TEXAS HOSPITAL INSURANCE EXCHANGE** and the name and address of its registered agent for service of process is

**ROBERT DION
PRESIDENT/CEO
6300 LA CALMA, SUITE 550
AUSTIN, TEXAS 78752.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Michael B. McShane
Appeals Judge