

APPEAL NO. 020709
FILED APRIL 30, 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 6, 2002. The hearing officer determined that the respondent's (claimant) compensable injury of _____, includes injury to the claimant's lumbar and cervical spine, both hips, both knees, and left shoulder. The appellant (self-insured) has appealed, asserting that the evidence was insufficient to support the determination of the hearing officer as the mechanism of the incident does not establish a physical injury. The claimant urges in response that she met her burden of proof at the hearing and requests that the decision and order of the hearing officer be upheld.

DECISION

Affirmed.

The claimant was a clerk in a prison unit when she was assaulted by an inmate. The parties stipulated that the claimant sustained a compensable post-traumatic stress disorder injury on _____. The claimant had the burden to prove by a preponderance of the evidence that her compensable injury of _____, extends to and includes an injury to the lumbar and cervical spine, both hips, both knees, and left shoulder. Johnson v. Employers Reinsurance Corporation, 351 S.W.2d 936 (Tex. Civ. App.-Texarkana 1961, no writ). Extent of injury is generally a question of fact. 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 of the evidence and determines what facts have been established. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). There was conflicting evidence on the matter at issue. The hearing officer was persuaded that the evidence was sufficient to establish that the compensable injury of _____, extends to and includes her lumbar and cervical spine, both hips, both knees, and left shoulder. The challenged determination is 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); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**JAVIER GARZA, WCI MANAGER
201 WEST 7TH STREET
ASH 414
AUSTIN, TEXAS 78701-2981.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Robert W. Potts
Appeals Judge