

APPEAL NO. 020951
FILED MAY 28, 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 March 21, 2002. The hearing officer resolved the disputed issue by deciding that the respondent's (claimant) compensable injury of _____, extended to and included the claimant's mid back (thoracic area) and the claimant's low back (lumbar area) from August 22, 2000, through June 3, 2001. The appellant (carrier) appealed. The claimant responded, requesting affirmance.

DECISION

The hearing officer's decision is affirmed.

The disputed issue was whether the claimant's compensable injury of _____, extends to and includes the claimant's mid back (thoracic area) and the claimant's low back (lumbar area) after August 22, 2000. A peer review doctor reported on August 22, 2000, that the claimant suffers from an ordinary disease of life. The parties stipulated that the claimant sustained a compensable lumbar spine injury on _____. Medical reports reflect that the claimant also sustained an injury to his thoracic area on _____. The hearing officer resolved the conflicts in the evidence and determined that the claimant sustained a compensable mid-back (thoracic area) and low-back (lumbar area) injury on _____, and that the compensable injury of _____, extended to and included the claimant's mid back (thoracic area) and low back (lumbar area) from August 22, 2000, to June 3, 2001. The claimant's current treating doctor reported in May 2001 that the claimant's diagnosed lumbar and thoracic injuries were related to the injury of _____. The claimant said he sustained a new work-related back injury on _____.

We disagree with the carrier's contention that the extent of the compensable injury was not an issue. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. We conclude that the hearing officer's decision is supported by sufficient evidence and that it is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **LUMBERMEN'S UNDERWRITING ALLIANCE** and the name and address of its registered agent for service of process is

**DANIEL J. O'BRIEN
12200 FORD ROAD, SUITE 344
DALLAS, TEXAS 75234-7625.**

Robert W. Potts
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Michael B. McShane
Appeals Judge