

APPEAL NO. 020965
FILED JUNE 11, 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 26, 2002. The hearing officer resolved the sole issue before her by determining that the respondent's (claimant) _____, compensable low back injury is a producing cause of the claimant's current, chronic low back pain at L5-S1 after December 19, 1995. The appellant (self-insured) appealed, challenging the determination on sufficiency grounds. The claimant did not file a response.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant's _____, compensable low back injury is a producing cause of the claimant's current, chronic low back pain at L5-S1 after December 19, 1995.¹ The claimant testified that he has suffered from low back pain continuously since the original date of injury. The medical records introduced indicate that the claimant's treating doctor concurred that the claimant's current, chronic back problems stem from his compensable injury. The hearing officer is the sole judge of the weight and credibility to be given the evidence. Section 410.165(a). The hearing officer found the claimant "very credible" and seemed also to confer much credence upon the claimant's treating doctor's opinion. While the self-insured presented conflicting evidence on the issue, upon our review of the record, we conclude that the hearing officer's determination that the claimant's compensable injury was a producing cause of his current, chronic low back pain at L5-S1 after December 19, 1995, is supported by the evidence, and that it 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); Texas Workers' Compensation Commission Appeal No. 001360, decided July 27, 2000.

¹ The claimant was involved in a motor vehicle accident (MVA) on _____, and the self-insured argued that the MVA was the intervening cause of the claimant's low back problems. The self-insured also argued that the claimant's low back problems were congenital, but failed to assert that either alternative explanation constituted the sole cause of the claimant's current, chronic back pain.

The hearing officer's decision and order are affirmed.

The true corporate name of the self-insured is **(SELF-INSURED)** and the name and address of its registered agent for service of process is

**CR
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Susan M. Kelley
Appeals Judge

CONCUR:

Philip F. O'Neill
Appeals Judge

Robert W. Potts
Appeals Judge