

APPEAL NO. 021534
FILED JULY 16, 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 May 30, 2002. The hearing officer determined that the compensable (right front chest, right side, and right low back) injury does not extend to and include lumbar disc bulges; that the appellant (claimant) has not had disability; and that the claimant was not entitled to change treating doctors from Dr. G to Dr. C.

The claimant's appeal seems to center on the fact that although Dr. C treated his low back complaints he did not enter a low back diagnosis. The claimant expresses his dissatisfaction with the hearing officer's decision, asserting that his low back pain has never resolved. The respondent (carrier) responds, urging affirmance.

DECISION

Affirmed.

It is undisputed that the claimant, a machine operator, sustained a compensable injury on _____, when he slipped and fell three to five feet off of a work platform, injuring his right side. The following day the claimant saw Dr. G, a medical doctor, who treated the claimant for a broken rib and low back pain. The claimant was initially released to light duty, and on October 18, 2000, returned to regular duty. The claimant worked his preinjury employment until July 1, 2001, when he left to work for another employer, where he worked fewer hours (the claimant had been working 70 to 75 hours a week) at a light job earning a slightly higher hourly wage. Dr. G certified the claimant at maximum medical improvement on April 10, 2001, with a zero percent impairment rating. The claimant sought no medical treatment between April 10 and October 2001. The claimant continued working for the second employer until October 2001, when he began to see Dr. C, a chiropractor, who diagnosed the claimant with "lumbalgia," sacroiliac pain, lumbar disc syndrome, and several other diagnoses and took the claimant off work as of October 16, 2001. A lumbar MRI performed on October 17, 2001, showed mild disc bulges at L4-5 and L5-S1.

The hearing officer fairly summarized the evidence, including the criteria for a change of treating doctor found in Section 408.022 and Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 126.9 (Rule 126.9) and concluded that the claimant did not meet any of the criteria for a change of treating doctor.

After review of the record before us and the compained-of determinations, we have concluded that there is sufficient legal and factual support for the hearing officer's decision on the appealed issues. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **EAGLE PACIFIC INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS
AUSTIN, TEXAS 78701.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Michael B. McShane
Appeals Judge