

APPEAL NO. 021890
FILED SEPTEMBER 10, 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 June 24, 2002. With regard to the only issue before her the hearing officer determined that the appellant's (claimant) compensable injury does not include the thoracic spine.

The claimant appeals, citing various medical reports that support his position. The file does not contain a response from the respondent (self-insured).

DECISION

Affirmed.

The claimant was a member of the self-insured's work crew patching holes on _____, when the crew was hit by a motor vehicle. There appears to be some disagreement on whether the claimant was actually hit by the vehicle as he alleges, or was injured getting out of the way. A coworker in the crew was killed. In any event the self-insured accepted injuries to the claimant's low back, neck, left foot, left knee and left leg. The claimant was taken to the hospital on the date of injury and has seen a number of doctors since the accident.

While many of the doctors either mention or treat the claimant's thoracic spine there was conflicting evidence whether the thoracic spine was injured in the accident. The hearing officer comments that her review of the medical records show little support that the claimant injured his thoracic spine when he sustained the other compensable injuries. A thoracic magnetic resonance imaging performed on February 22, 2002, has an impression of;

Thoracic spondylotic changes with disc desiccation at T 7-8 and to a lesser extent at other thoracic levels. There is no significant disc bulge or protrusion at any thoracic level.

An extent of injury is a question of fact to be resolved by the hearing officer, who is the sole judge of the weight and credibility to be given to the evidence. Section 410.165(a). 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 **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**EXECUTIVE DIRECTOR
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Thomas A. Knapp
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Philip F. O'Neill
Appeals Judge