

APPEAL NO. 022165
FILED SEPTEMBER 27, 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 (CCH) was held on July 26, 2002. The hearing officer determined that the respondent (claimant) sustained a compensable injury on _____, which extends to and includes an injury to the thoracic spine and lumbar spine and that the claimant's disability started May 1, 2002, and continued through the date of the CCH. The appellant (carrier) appeals and the claimant responds, urging affirmance.

DECISION

We affirm the hearing officer's decision and order.

The hearing officer did not err in determining that the claimant's injury extended to his thoracic and lumbar spines and that he had disability beginning May 1, 2002. Early medical evidence records complaints of lower and mid back pain. The hearing officer could believe that the mechanism of injury was consistent with such injuries. The site of the trauma and its immediate effects are not necessarily determinative of the nature and extent of the compensable injury, and the full consequences of the original injury, together with the effects of its treatment, upon the health and body of the worker are to be considered. Western Casualty & Surety Company v. Gonzales, 518 S.W.2d 524 (Tex. 1975). We have reviewed the record and find support for the findings of the hearing officer. Even assuming, for the sake of argument, that lifting restrictions alone do not equate to a form of "light duty," the hearing officer began the period of disability on May 1, 2002, the point at which the claimant testified that he could no longer work. A claimant's testimony alone may establish that an injury has occurred, and disability has resulted from it. Houston Independent School District v. Harrison, 744 S.W.2d 298, 299 (Tex. App.- Houston [1st Dist.] 1987, no writ).

The carrier takes issue on many smaller points with the way that the hearing officer has set out the evidence. We have reviewed the record and find the carrier's points to be, essentially, disagreements about the weight the hearing officer gave to the evidence rather than a true mischaracterization of it, since his statements have support in the record.

The hearing officer is the sole judge of the relevance, materiality, weight, and credibility of the evidence presented at the hearing. Section 410.165(a). In considering all the evidence in the record, we cannot agree that the findings of the hearing officer are so against the great weight and preponderance of the evidence as to be manifestly wrong and unjust. In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951). We therefore affirm the hearing officer's decision and order.

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

**CT CORPORATION
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Susan M. Kelley
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Margaret L. Turner
Appeals Judge