

APPEAL NO. 022462
FILED NOVEMBER 12, 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 August 22, 2002. The hearing officer determined that the appellant (claimant) did not sustain a compensable injury to his left foot on _____, and that the compensable injury does not include congenital stenosis or degenerative disc disease. Additionally, the hearing officer determined that the claimant did not have disability resulting from the compensable back strain on _____. The claimant appeals these determinations and contends that the hearing officer erred in finding that the compensable back strain was "minor" as the severity of the strain was not an issue for the hearing officer to resolve. The respondent (carrier) urges affirmance.

DECISION

We affirm.

Conflicting evidence was presented on the disputed issues in this case. The hearing officer determined that the claimant did not sustain an injury to his left foot on _____; that the compensable minor back strain that he sustained on the date in question does not include congenital stenosis and degenerative disc disease; and that the claimant did not have disability resulting from the compensable injury. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the trier of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. The hearing officer did not err by defining the nature and extent of the compensable injury, given that extent of injury was an issue before him. However, we would note that Section 408.021 provides that an injured employee "is entitled to all health care reasonably required by the nature of the injury as and when needed." We conclude that the hearing officer's findings of fact in this regard are supported by sufficient evidence and are 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 decision and order of the hearing officer is affirmed.

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

**CT CORPORATION SYSTEMS
350 NORTH ST. PAUL STREET, SUITE 2900
DALLAS, TEXAS 75201.**

Judy L. S. Barnes
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Gary L. Kilgore
Appeals Judge