APPEAL NO. 022817
FILED DECEMBER 23, 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 September 30, 2002. The hearing officer determined that the respondent/cross-appellant's (claimant) injury extended to her lumbar spine but not to her thoracic or cervical regions. She further decided that the claimant had disability from the injury beginning March 2, 2002, and continuing through the date of the CCH.

Both parties have appealed the adverse determinations, contending the evidence is to the contrary. Each party responds by seeking affirmance of the issue decided favorably.

DECISION

We affirm the hearing officer's determinations on all appealed issues.

The claimant, a nurse, was injured in the early morning hours of her shift on _____, when she squatted down to pick up an object on the floor and hit herself on a small metal trash can that was unexpectedly behind her. A lower lumbar contusion was the accepted injury.

There was conflicting evidence concerning whether the claimant had been treated early for her contended cervical and thoracic injuries and whether problems in these areas were related to the mechanics of her injury. Objective MRI testing of both regions was normal. There was evidence of preexisting spinal conditions. Comparison of MRIs before and after her _____ injury showed that she had a small herniation after her injury. There were some suggestions in the medical records of symptom magnification.

The claimant worked light duty for the full period of time that such duty was available from the employer, and then was terminated. She was taken off work for the periods of disability found by the hearing officer.

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). The decision should not be set aside because different inferences and conclusions may be drawn upon review, even when the record contains evidence that would lend itself to different inferences. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). Medical evidence was not required to support a finding in favor of the claimant on occurrence of a lumbar injury from her _____, accident. 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 affirm the decision and order.

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

MANAGER
(ADDRESS)
(CITY), TEXAS (ZIP CODE).

_____
Susan M. Kelley
Appeals Judge

CONCUR:

_____
Chris Cowan
Appeals Judge

_____
Michael B. McShane
Appeals Panel
Manager/Judge