

APPEAL NO. 023128
FILED JANUARY 22, 2003

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 November 7, 2002. With respect to the issue before her, the hearing officer determined that the respondent's (claimant) compensable injury of _____, extends to and includes a herniation at L4-5 and depression, but does not extend to and include a cervical strain, high blood pressure, or anxiety resulting in a rapid heart rate. In its appeal, the appellant (carrier) challenges the determination that the compensable injury extends to and includes a herniation at L4-5 and depression. In his response to the carrier's appeal, the claimant urges affirmance. The claimant did not appeal the determination that his compensable injury does not include a cervical strain, high blood pressure, or anxiety resulting in a rapid heart rate.

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable injury on _____. The hearing officer determined that the compensable injury extends to and includes a herniation at L4-5 and depression. The Appeals Panel observed in Texas Workers' Compensation Commission Appeal No. 961449, decided September 9, 1996, that the fact that there may be more than one cause of the claimant's psychological condition does not preclude a finding of compensability, provided that there is a causal connection between the compensable injury and the claimant's psychological problems. *Compare* Texas Workers' Compensation Commission Appeal No. 950749 decided June 21, 1995 (protracted dispute resolution process does not make resultant stress part of the compensable injury). The causal connection here is met by the fact that the injury resulted in chronic pain and loss of function. The hearing officer found that the medical evidence indicates by a reasonable medical probability that the depression is related to the compensable injury.

Extent of injury is a question of fact for the hearing officer. Texas Workers' Compensation Commission Appeal No. 93613, decided August 24, 1993. There was conflicting evidence on the issue of whether the compensable injury included depression and a herniation at L4-5. Section 410.165(a) provides that the hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence. It was for the hearing officer, as trier of fact, to resolve the inconsistencies and conflicts in the evidence and determine what facts had been established. Garza v. Commercial Ins. Co., 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). Nothing in our review of the record reveals that the determination that the compensable injury includes an L4-5 herniation and depression is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. As such, no

sound basis exists for us to reverse that determination on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986); Pool v. Ford Motor Co., 715 S.W.2d 629 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS, SUITE 750, COMMODORE 1
AUSTIN, TEXAS 78701.**

Elaine M. Chaney
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Terri Kay Oliver
Appeals Judge