

APPEAL NO. 023154  
FILED JANUARY 16, 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 (CCH) was held on November 1, 2002. The hearing officer resolved the disputed issue by deciding that the appellant's (claimant) compensable injury does not extend to and include an injury to the cervical area. The claimant appealed, and the respondent (carrier) responded.

DECISION

The hearing officer's decision is affirmed.

The parties stipulated that on May 6, 1998, the claimant sustained a compensable injury to his head and lumbar spine. Conflicting evidence was presented at the CCH on the disputed issue of whether the claimant's compensable injury extended to his cervical area. The claimant had the burden of proof with regard to the disputed issue. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. We conclude that the hearing officer's decision is supported by sufficient evidence and is 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 hearing officer's decision and order are affirmed.

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

**MR. RUSSELL R. OLIVER, PRESIDENT  
221 WEST 6TH STREET  
AUSTIN, TEXAS 78701.**

---

Robert W. Potts  
Appeals Judge

CONCUR:

---

Judy L. S. Barnes  
Appeals Judge

---

Daniel R. Barry  
Appeals Judge