

APPEAL NO. 023232  
FILED FEBRUARY 11, 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 December 6, 2002. With regard to (Docket No. 1), the hearing officer determined that respondent 1 (claimant) sustained a compensable injury on (date of injury for Docket No. 1), and had disability from April 11, 2002, through the date of the hearing. With regard to (Docket No. 2), the hearing officer determined that the (date of injury for Docket No. 2), compensable injury does not include the claimant's lumbar condition after (date of injury for Docket No. 1). The appellant (carrier 1) appeals this decision. The claimant urges affirmance. The appeal file contains no response from respondent 2 (carrier 2).

DECISION

Affirmed.

Whether the claimant sustained a compensable injury on (date of injury for Docket No. 1), or whether the symptoms and medical conditions affecting the claimant after (date of injury for Docket No. 1), were an extension of the injury sustained on (date of injury for Docket No. 2), were factual questions for the hearing officer to resolve. Similarly, disability is a factual question for the hearing officer. Injury and disability determinations can be established by the claimant's testimony alone, if believed by the hearing officer. Gee v. Liberty Mut. Fire Ins. Co., 765 S.W.2d 394 (Tex. 1989). 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 from the evidence presented. Nothing in our review of the record indicates that the hearing officer's decision is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

Carrier 1 takes issue with the rendition of the facts as set out by the hearing officer in the Statement of the Evidence. In Texas Workers' Compensation Commission Appeal No. 93791, decided October 18, 1993, an attack on the hearing officer's discussion of the evidence was considered. That appeal stated that the hearing officer was not required to recite the facts since the 1989 Act only requires findings of fact, conclusions of law, whether benefits are due, and an award of benefits due. A statement of evidence, if made, only needs to reasonably reflect the record. Each area that the hearing officer addressed in the Statement of Evidence is supported in the record. The hearing officer was not obligated to outline each portion of every witness's testimony that conflicted with the claimant's testimony. The Statement of Evidence reasonably reflects the evidence of record.

The hearing officer's decision and order are affirmed.

The true corporate name of insurance carrier 1 is **TRANSCONTINENTAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

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

The true corporate name of insurance carrier 2 is **FACILITY INSURANCE COMPANY c/o INTERNATIONAL SOLUTIONS, LLC** and the name and address of its registered agent for service of process is

**KATHLEEN THOMPSON, VICE PRESIDENT  
2003M EAST LAMAR BOULEVARD, SUITE 100  
ARLINGTON, TEXAS 76006.**

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Chris Cowan  
Appeals Judge

CONCUR:

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Thomas A. Knapp  
Appeals Judge

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Roy L. Warren  
Appeals Judge