

APPEAL NO. 030040
FILED FEBRUARY 27, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A consolidated contested case hearing (CCH) was held on December 6, 2002. The hearing officer determined that the appellant/cross-respondent's (claimant) (date of subsequent injury), compensable injury includes an injury to the cervical spine; that due to her (date of subsequent injury), injury the claimant has disability beginning on January 7, 2002, and continuing through the date of the CCH; that the claimant's compensable injury of (date of first injury), extends to and includes an injury to the claimant's cervical spine after (date of subsequent injury); and that the claimant has not had disability because of her (date of first injury), compensable injury.

The claimant appeals, contending that the hearing officer's determinations are ambiguous because it is not clear which carrier is responsible for paying medical benefits, asking that the Appeals Panel either "remand for the hearing officer to render a decision which clearly allots liability for future medical expenses" or "render a decision that does so." Respondent 2/cross-appellant (carrier 2) appeals, contending that the hearing officer's determination that the injury on (date of first injury), includes the claimant's cervical spine is against the great weight of the evidence and that the claimant's cervical problems are related to the (date of subsequent injury), injury. Respondent 1/cross-appellant (carrier 1) appeals, contending that the hearing officer's determinations that the injury on (date of subsequent injury), includes an injury to the claimant's cervical spine and that the claimant had disability as a result are against the great weight of the evidence and that the claimant's cervical problems are related to the incident of (date of first injury).

Carrier 2 files responses to the appeals of the claimant and carrier 1. Carrier 1 files a response to the appeal of carrier 2. There is no response from the claimant to the cross-appeals contained in our file.

DECISION

Affirmed.

Regarding the claimant's appeal, the claimant argues that the decision of the hearing officer ordering both carriers to pay benefits does not adequately describe the benefits for which each carrier is liable. We disagree. Both carriers are liable for lifetime medical benefits. As we have previously stated, the proper forum for trying matters that relate only to medical benefits is through the Medical Review Division dispute resolution process as that process is set forth in Section 413.031. Texas Workers' Compensation Commission Appeal No. 981381, decided August 5, 1998. We perceive no error in the hearing officer's determination that both carriers are liable for

payments of medical benefits for the respective injuries in accordance with the 1989 Act.

Whether the claimant sustained a compensable injury and had disability are factual questions for the hearing officer to resolve. The hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence, as well as the weight and credibility that is to be given to the evidence. Section 410.165(a). The Appeals Panel will not disturb the challenged factual findings of a hearing officer unless they are 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); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951). We have reviewed the matters complained of on appeal and conclude that the hearing officer's decision is supported by sufficient evidence.

We affirm the decision and order of the hearing officer.

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

**CORPORATION SERVICES COMPANY
800 BRAZOS
AUSTIN, TEXAS 78701.**

The true corporate name of insurance carrier 2 is **TWIN CITY FIRE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

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

Roy L. Warren
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Chris Cowan
Appeals Judge