

APPEAL NO. 030234  
FILED MARCH 13, 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 January 10, 2003. The hearing officer determined that the compensable injury of \_\_\_\_\_, includes an injury to the low back consisting of a herniated disc at L3-L4, and that the respondent (claimant) has disability resulting from the compensable injury beginning on June 3, 2002, and continuing through the date of the CCH. The appellant (carrier) appeals and the claimant responds, urging affirmance.

DECISION

Affirmed.

The carrier contends that the claimant was required to prove the cause of her herniated disc at L3-L4 by expert medical evidence. As a general rule, in workers' compensation cases the issues of injury and disability may be established by the testimony of the claimant alone. Houston General Insurance Company v. Pegues, 514 S.W.2d 492 (Tex. Civ. App.-Texarkana 1974, writ ref'd n.r.e.). We do not view this case as coming within the exception to the general rule that would require expert medical evidence based on reasonable medical probability to establish causation due to the scientific or technical nature of the subject matter. See Texas Workers' Compensation Commission Appeal No. 001577, decided August 23, 2000, and Texas Workers' Compensation Commission Appeal No. 021880, decided September 12, 2002.

Whether the compensable injury includes an injury to the low back consisting of a herniated disc at L3-L4 and whether the claimant 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 the insurance carrier is **AMERICAN MANUFACTURERS MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

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

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Roy L. Warren  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Chris Cowan  
Appeals Judge