

APPEAL NO. 030327
FILED MARCH 31, 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 January 22, 2003. With respect to the sole disputed issue before him, the hearing officer determined that the appellant (claimant) did not sustain a compensable injury to her neck and shoulders in addition to the injury to her low back on _____. The claimant appeals on sufficiency of the evidence grounds. The respondent (carrier) responds, urging that the hearing officer be affirmed.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant did not sustain a compensable injury to her neck and shoulders in addition to the injury to her low back on _____. The claimant testified that she injured her neck and shoulders, as well as her low back, while helping to move a sofa. The claimant testified that the medical records do not immediately reflect the neck and shoulder injuries because her medical treatment was focused on her low back. The medical records introduced do not directly address the claimant's alleged neck and shoulder injuries until almost two years after the date of the low back injury. The carrier argued that because the medical evidence regarding the neck and shoulder injuries is scant and far removed from the date of injury, the claimant did not prove a causal connection between these alleged injuries and the incident of _____. Under the 1989 Act, the hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). The hearing officer was acting within his province as the fact finder in resolving the evidence in favor of the carrier and nothing in our review of the record demonstrates that the hearing officer's determination is so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986); Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order is 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.**

Terri Kay Oliver
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Chris Cowan
Appeals Judge