

APPEAL NO. 030448
FILED APRIL 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 was held on February 4, 2003. With respect to the issues before him, the hearing officer determined that the appellant's (claimant) compensable injury of _____, does not extend to a disc herniation at L2-3, or to disc protrusions at L3-4 and L4-5 and that the claimant had disability from June 12 to August 13, 2002, and not thereafter as a result of her compensable injury. In her appeal, the claimant argues that the hearing officer's determination that her compensable injury does not extend to a disc herniation at L2-3 or disc protrusions at L3-4 and L4-5 is against the great weight of the evidence. In its response to the claimant's appeal, the respondent (carrier) urges affirmance. The claimant did not appeal the determination that her disability ended on August 13, 2002, and that determination has, therefore, become final. Section 410.169.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant's _____, compensable injury does not extend to a herniated disc at L2-3 or disc protrusions at L3-4 and L4-5. The claimant had the burden of proof on the extent-of-injury issue. Johnson v. Employers Reinsurance Corp., 351 S.W.2d 936 (Tex. Civ. App.-Texarkana 1961, no writ). The issues presented a question of fact for the hearing officer to resolve. The hearing officer is the sole judge of the relevance and materiality of the evidence and of its weight and credibility. Section 410.165(a). The hearing officer resolves the conflicts and inconsistencies in the evidence and decides what facts the evidence has established. Texas Employers Ins. Ass'n v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). When reviewing a hearing officer's decision, we will reverse such decision only if it is so contrary to the overwhelming weight of the evidence as to be clearly wrong and manifestly unjust. Pool v. Ford Motor Co., 715 S.W.2d 629 (Tex. 1986); Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

In this instance, there was conflicting evidence on the issue of the nature and extent of the claimant's compensable injury. The hearing officer simply was not persuaded that the claimant sustained her burden of proving the causal connection between her injury at work and the disc herniation at L2-3 or disc protrusions at L3-4 and L4-5. The hearing officer was acting within his province as the fact finder in so finding. Nothing in our review of the record demonstrates that the challenged determination is so against the great weight of the evidence as to be clearly wrong or manifestly unjust; therefore, no sound basis exists for us to reverse the extent-of-injury determination on appeal. Pool, *supra*; Cain, *supra*.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

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

Elaine M. Chaney
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Terri Kay Oliver
Appeals Judge