

APPEAL NO. 030630  
FILED MAY 2, 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 February 20, 2003. With regard to the sole issue before her, the hearing officer determined that the respondent's (claimant) compensable neck injury extends to include an injury to the low back.

The appellant (carrier) appeals, repeating the same arguments that it had asserted at the CCH. The appeal file does not contain a response from the claimant.

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable injury to his neck on \_\_\_\_\_. It is further undisputed that a course of three epidural steroid injections (ESI) were prescribed for that injury. The first ESI was given on February 20, 2002, without incident or any untoward reaction. The claimant testified, in somewhat graphic detail, regarding the second ESI on June 19, 2002. Basically the claimant asserts that he had an adverse drug reaction to the ESI, that he became nauseated and dizzy and had to use the restroom and that in the process of getting him off the examining table the doctor and the nurse dropped him and he fell to the floor causing a low back injury. The claimant was eventually diagnosed with a herniated disc at L5-S1. The carrier's position, based on a partially illegible note, is that at the office visit, the claimant smelled of alcohol, exhibited "aggressive and bizarre behavior," and that the claimant "'propelled' himself from the table rather than the Claimant's version that his legs gave out and he fell." The claimant had admitted to having one beer for lunch prior to his three o'clock doctor's appointment. The doctor was subpoenaed but refused to attend and neither side was able to contact or obtain clarification from the doctor regarding his note and what occurred during the procedure.

The evidence was in conflict and how the doctor's note is interpreted is a factual determination within the province of the hearing officer to resolve. The law is well settled that where an employee who sustains a specific compensable injury, is not limited to compensation for that injury if the injury, or proper or necessary treatment therefore causes other injuries. See Maryland Casualty Company v. Sosa, 425 S.W.2d 871 (Tex. Civ. App.-San Antonio 1968, writ ref'd n.r.e. per curiam 432 S.W.2d 515). The 1989 Act provides that the hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). Where there are conflicts in the evidence, the hearing officer resolves the conflicts and determines what facts the evidence has established. The hearing officer clearly accepted the claimant's version of the events and that determination is supported by the evidence. As an appeals body, we will not substitute our judgment for that of the hearing officer when the determination

is not so against the overwhelming weight of the evidence as to be clearly wrong and manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

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

**ROBERT SIDDONS  
11612 ROOM 2244, BUILDING 1, SUITE 200  
AUSTIN, TEXAS 78733.**

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Gary L. Kilgore  
Appeals Judge