

APPEAL NO. 030840  
FILED MAY 22, 2003

This appeal after remand 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 October 8, 2002. The hearing officer determined that the \_\_\_\_\_, compensable injury of respondent (claimant) extends to and includes the lumbar MRI findings dated April 10, 2002 (extremely large L4-5 disc extrusion almost completely obliterating the thecal sac. This fills the entire anterior epidural space and much of the spinal canal and is slightly more prominent on the right side. Fairly small broad-based central disc protrusion at L3-4. Small central to slightly left sided L5-S1 disc protrusion). Appellant (carrier) appealed, asserting that the hearing officer committed reversible error by denying its motion for continuance, and otherwise requesting reversal on the merits. The claimant responded, urging affirmance. The Appeals Panel reversed the hearing officer's decision and order and remanded the case to the hearing officer with instructions that the carrier be allowed to fully develop its case. Texas Workers' Compensation Commission Appeal No. 022821, decided December 23, 2002. A hearing on remand was held on March 18, 2003. In her decision after remand, the hearing officer considered new evidence offered and again determined that the \_\_\_\_\_, compensable injury of the respondent (claimant) extends to and includes the lumbar MRI findings dated April 10, 2002. Carrier appealed the determination regarding extent of injury on sufficiency grounds. Carrier also complains that it was not able to sufficiently investigate the case. Claimant responded that the Appeals Panel should affirm the decision and order.

DECISION

We affirm.

We have reviewed the complained-of determination and conclude that the issue involved a fact question for the hearing officer. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determination is supported by the record and is not 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). The hearing officer heard carrier's arguments that it was not able to sufficiently investigate this case. Carrier implies that perhaps claimant sustained a subsequent injury. This case was remanded for carrier to be able to develop the evidence. We perceive no reversible error shown by the record.

We affirm the hearing officer's decision and order.

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

**ROBIN MOUNTAIN  
6600 CAMPUS CIRCLE DRIVE EAST  
IRVING, TEXAS 75063.**

---

Judy L. S. Barnes  
Appeals Judge

CONCUR:

---

Veronica Lopez  
Appeals Judge

---

Edward Vilano  
Appeals Judge