

APPEAL NO. 030855  
FILED MAY 30, 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 March 12, 2003. The hearing officer determined that the compensable injury of the appellant (claimant herein) did not include disc protrusions at L3-4, L4-5, and L5-S1. The hearing officer also determined that claimant was not collaterally estopped from seeking a decision regarding extent of injury in this case. Claimant appealed the determination regarding extent of injury on sufficiency grounds. Respondent self-insured (carrier herein) responded that the Appeals Panel should affirm the determination regarding extent of injury. Carrier also submitted a conditional appeal contingent on the final decision of the Appeals Panel.

DECISION

We affirm.

Carrier's conditional cross-appeal was contingent on the Appeals Panel reversing the hearing officer's determination regarding extent of injury. This contingency has not occurred. Therefore, we will not address carrier's point of error in its contingent cross-appeal.

We have reviewed the complained-of determination and conclude that the issue of extent of injury 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). We note that claimant complained on appeal that the hearing officer erred in "finding that claimant's weight contributed to the cause of her disc protrusion . . . ." However, the hearing officer did not make such a finding and we perceive no error.

We affirm the hearing officer's decision and order.

According to information provided by carrier, the true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**MAYOR  
(ADDRESS)  
(CITY), TEXAS (ZIP CODE).**

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Judy L. S. Barnes  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Margaret L. Turner  
Appeals Judge