

APPEAL NO. 031111
FILED JULY 23, 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 scheduled for February 19, 2003, but reset to and held on May 5, 2003. The hearing officer resolved the disputed issue by deciding that the compensable injury sustained on _____, does not extend to include the lumbar spine and/or bilateral hips. During the CCH, the parties stipulated that the compensable injury does not include an injury to the bilateral hips. The appellant (claimant) appealed the determination that the compensable injury does not extend to the lumbar spine, arguing that the determination is against the overwhelming evidence and should be reversed. The appeal file does not contain a response from the respondent (carrier).

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant's compensable injury of _____, does not extend to include the lumbar spine. Extent of injury is a question of fact. It was for the hearing officer, as the trier of fact, to resolve the conflicts and inconsistencies in the evidence and to determine what facts had been established. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). This is equally true regarding medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ).

The hearing officer noted that the claimant failed to prove her job duties required repetitive, physically traumatic use of her lumbar spine; that the medical evidence fails to establish a causal relationship between the claimant's lumbar condition and her work environment and/or activities; and that the claimant failed to prove that she was exposed to increased incidence of repetitive, physically traumatic activities to her lumbar spine in her work place compared to employment generally. In view of the evidence presented, we cannot conclude that the hearing officer's determination is 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 affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **(a certified self-insured)** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Margaret L. Turner
Appeals Judge

CONCUR:

Robert W. Potts
Appeals Judge

Edward Vilano
Appeals Judge