

APPEAL NO. 031149
FILED JUNE 13, 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 13, 2003. The hearing officer determined that the respondent's (claimant) _____, compensable injury includes an injury to his cervical spine at C4-5, C5-6, and C6-7, as diagnosed by an MRI performed on December 3, 2002.

DECISION

Affirmed.

The hearing officer did not err in making the complained-of determination. The carrier argues that the claimant's cervical conditions, as diagnosed by the MRI performed on December 3, 2002, did not result from the compensable injury; rather, the conditions resulted from an auto accident that occurred on November 9, 2001. Where a carrier asserts that the sole cause of the claimant's current condition is not a prior compensable injury, but an intervening injury or event, the carrier has the burden of proving sole cause. Texas Workers' Compensation Commission Appeal No. 952061, decided January 22, 1996. Whether the primary compensable injury caused or resulted in the later injury is a fact question for the hearing officer. Texas Workers' Compensation Commission Appeal No. 960746, decided May 30, 1996. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established from the evidence presented. The hearing officer was persuaded by the evidence that the compensable injury includes the cervical conditions revealed in the aforementioned MRI. Nothing in our review of the record indicates that the hearing officer's decision 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).

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

**PAUL DAVID EDGE
6404 INTERNATIONAL PKWY, SUITE 1000
PLANO, TEXAS.**

Chris Cowan
Appeals Judge

CONCUR:

Robert W. Potts
Appeals Judge

Edward Vilano
Appeals Judge