

APPEAL NO. 031303  
FILED JULY 7, 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 April 14, 2003. The hearing officer determined that the spinal arthritis and disc defects at C2-7 and L4-S1 are not a part of the compensable injury sustained by the appellant (claimant) on \_\_\_\_\_. The claimant appeals this decision. The respondent (carrier) urges affirmance.

DECISION

Affirmed as reformed.

Extent of injury is a factual question for the hearing officer to resolve. The hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence, as well as the weight and credibility that is to be given to the evidence. Section 410.165(a). Nothing in our review of the record reveals 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 (Tex. 1986). However, we want to make it clear that the hearing officer, by determining that the claimant's compensable back and neck injury does not extend to his current cervical and lumbar conditions, does not have the authority to cut off the claimant's lifetime medical benefits for her compensable injury.

The claimant complains on appeal that the issue presented to the hearing officer was whether the compensable injury extends to and includes herniations in the claimant's lumbar spine (at L4-5 and L5-S1) and herniations in the cervical spine (C2-7), but that the hearing officer answered that question by determining that the disc *defects* at C2-7 and L4-S1 are not a part of the compensable injury. Because the evidence reflects that the claimant has herniations at the aforementioned levels and the issue was framed in terms of herniations and not defects, for the sake of clarity, the hearing officer's Decision and Order are hereby reformed to substitute the phrase "disc herniations" where the phrase "disc defects" presently exists.

The decision and order of the hearing officer are affirmed as reformed.

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

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

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Chris Cowan  
Appeals Judge

CONCUR:

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Robert W. Potts  
Appeals Judge

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Edward Vilano  
Appeals Judge