

APPEAL NO. 031421  
FILED JULY 21, 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 May 13, 2003. The hearing officer determined that the left knee, left wrist, and low back injury did not include an injury consisting of bladder and bowel incontinence.

The appellant (claimant) appeals, contending that the hearing officer's determination is against the great weight and preponderance of the evidence. The respondent (carrier) responds, urging affirmance.

DECISION

Affirmed.

The parties stipulated to the \_\_\_\_\_, compensable injury which included a low back injury. On September 8, 1999, the claimant had the first of some prescribed epidural steroid injections (ESI) for her compensable low back injury. Within a week or two of the ESI injection the claimant developed the complained-of bladder and bowel incontinence. The claimant's principal argument is that she did not have a history of bladder and bowel incontinence before the ESI and developed that condition shortly afterward, therefore the ESI must have caused it. There is voluminous expert medical evidence in this case with some of doctors saying the ESI did not cause the incontinence and other doctors saying it was "very reasonable" or the findings "strongly suggest" the ESI caused the incontinence. A Texas Workers' Compensation Commission-appointed independent medical examination neurologist is of the opinion that the claimed condition is not due to "any treatment for the compensable injury."

The claimant had the burden to prove by a preponderance of the evidence that the ESI caused or contributed to the claimed condition. There was certainly conflicting medical evidence in this case. The 1989 Act provides that the hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). Where there are conflicts in the evidence, the hearing officer resolves the conflicts and determines what facts the evidence has established. This is equally true of medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). As an appeals body, we will not substitute our judgment for that of the hearing officer when the determination is not so against the overwhelming weight of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

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

**CT CORPORATION SYSTEMS  
350 NORTH ST. PAUL, SUITE 2900  
DALLAS, TEXAS 78201.**

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Edward Vilano  
Appeals Judge