

APPEAL NO. 031890
FILED SEPTEMBER 8, 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 June 24, 2003. The hearing officer determined that the appellant's (claimant) current chronic and recurrent lumbar strain, protrusion at L4-5, and herniation at L5-S1 are not results of the compensable injury sustained on _____. The claimant appeals, asserting that he has only had one injury that never resolved and that his current condition is part of the original compensable injury. The respondent (carrier) responded, urging affirmance.

DECISION

Affirmed.

The sole issue before the hearing officer was whether the claimant's current condition is a result of the 1995 compensable injury. This issue presented a question of fact for the hearing officer. There was conflicting testimony and medical evidence regarding the disputed issue. 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 specifically noted that the claimant's original injury was in the nature of a sprain/strain, that the claimant returned to work in a heavy-demand occupation with no further medical treatment for years, that he was pronounced to be at maximum medical improvement with a 0% impairment rating, and that the current complaints are "characterized primarily as degenerative in etiology." 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 **TEXAS MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**MR. RUSSELL R. OLIVER, PRESIDENT
221 WEST 6TH STREET
AUSTIN, TEXAS 78701.**

Michael B. McShane
Appeals Panel
Manager/Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Robert W. Potts
Appeals Judge