

APPEAL NO. 031897
FILED AUGUST 27, 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 18, 2003. The hearing officer determined that the appellant's (claimant) compensable injury of _____, "does not include MRI findings of the cervical spine dated March 14, 2003 (1. Congenital narrowed AP diameter of the spinal canal or congenital spinal canal stenosis due to short pedicles and anomaly of segmentation C2-3, partial fusion. 2. C3-4, C4-5, and C5-6 central disc herniation protrusion with moderate severe central spinal canal stenosis, more prominent on [sic] at C5-6)" and that the claimant did not have disability from April 27, 1998, to June 21, 1999. The hearing officer's determination on disability was stipulated, was not appealed, and has become final pursuant to Section 410.169.

The claimant appeals the extent-of-injury determination, contending that no testing had been done on his neck prior to 2002, and citing authority for the proposition that lay testimony can provide proof of causation. The respondent (self-insured) responds, urging affirmance.

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable injury on _____, in the form of a cervical contusion. The claimant was being treated for another unrelated 1996 injury at the time of the compensable injury at issue here. The claimant testified how a pressure gauge hit him in the neck and caused him to fall to the ground. Initial reports stated the injury "was minor" with hardly noticeable redness to the back of the neck. In 1999, a doctor mentions pain "in the region of the neck," however, the claimant first received treatment for his neck from a chiropractor in November 2002. An MRI performed on March 14, 2003, had an impression of the claimed conditions. The hearing officer commented that while "it appears undisputed that the Claimant was struck by a gauge in the cervical region on _____, the medical evidence is insufficient to establish a causal relationship between the MRI findings dated March 14, 2003 and the _____ cervical contusion injury." The hearing officer's determination on the disputed issue is supported by the evidence.

The 1989 Act provides that the hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). While it is true that lay evidence may be sufficient to establish causation, the testimony of the claimant, as an interested party, only raises an issue of fact for the hearing officer to resolve. Escamilla v. Liberty Mutual Insurance Company, 499 S.W.2d 477 (Tex. Civ. App.-Amarillo 1973, no writ). Where there are conflicts in the evidence the hearing officer resolves the conflicts and determines what facts the evidence has established. 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 decision and order of the hearing officer are affirmed.

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

JW
(ADDRESS)
(CITY), TEXAS (ZIP CODE).

Thomas A. Knapp
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Robert W. Potts
Appeals Judge