

APPEAL NO. 032093
FILED SEPTEMBER 22, 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 July 8, 2003. The hearing officer determined that the respondent's (claimant) compensable injury of _____ extends to include an injury to the claimant's cervical, thoracic, and lumbar spine, with myofibrositis. The appellant (carrier) appealed, asserting that the medical evidence does not show that the claimant's alleged injuries to his cervical, thoracic, and lumbar spine, with myofibrositis were caused by the compensable injury of _____. The file does not contain a response from the claimant.

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable injury on _____. The claimant testified that while performing maintenance on an air conditioning unit located on the roof of a building, he fell through the roof injuring his neck, back, and left shoulder.

The claimant saw a number of doctors. The treating doctor, Dr. Z, diagnosed the claimant with an acute lumbosacral sprain secondary to fall/contusion injury, an acute cervicothoracic sprain secondary to fall/contusion injury, an acute cervicothoracic and lumbosacral myofibrositis (primarily left-sided), and a status post left shoulder contusion injury with sprain. Dr. Z opined that these injuries were consistent with the mechanism of the claimant's injury on _____ and that the claimant experienced a whiplash injury to the cervical spine. The claimant was examined by a required medical examination doctor, Dr. T. Dr. T diagnosed the claimant with lumbago and pain in the joint shoulder region. The claimant was examined by a Texas Workers' Compensation Commission-appointed designated doctor, who was of the opinion that the mechanism of the injury was consistent with the cervical, lumbar, and thoracic injuries as diagnosed by the treating doctor. The medical evidence was conflicting. Extent of injury is a factual question for the hearing officer to resolve. 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 **ARGONAUT INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**BOBBY E. HAMMOND JR.
1431 GREENWAY DRIVE, SUITE 450
IRVING, TEXAS 75038.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Edward Vilano
Appeals Judge