

APPEAL NO. 032238  
FILED OCTOBER 16, 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 23, 2003. The hearing officer decided the disputed issue by deciding that the compensable injury of \_\_\_\_\_, does not include the lumbar spine. The appellant (claimant) appealed, arguing that the determination of the hearing officer is so against the great weight and preponderance of the evidence as to be manifestly wrong and unjust. The respondent (carrier) responded, urging affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant's compensable injury of \_\_\_\_\_, did not include injuries to his lumbar spine. Extent of injury is a question of fact for the hearing officer. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). We find no merit in the claimant's contention that the hearing officer found in favor of the carrier solely because the back was not mentioned in the initial visit to the doctor. In this instance, the hearing officer was not persuaded that the claimant sustained his burden of proving the causal connection between his compensable injury and the claimed injuries to his lumbar spine. The hearing officer was acting within her province as the fact finder in resolving this issue in favor of the carrier and nothing in our review of the record demonstrates that the hearing officer's determination is so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986); 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 **(carrier)** and the name and address of its registered agent for service of process is

**DW  
(ADDRESS)  
(CITY), TEXAS (ZIP CODE).**

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Margaret L. Turner  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Edward Vilano  
Appeals Judge