

APPEAL NO. 032379
FILED OCTOBER 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 August 21, 2003. The hearing officer determined that the appellant's (claimant) compensable (low back) injury of _____, does not extend to and include the neck, thoracic spine, or upper extremities.

The claimant appeals, citing evidence which could be interpreted to be contrary to the hearing officer's decision. The respondent (carrier) responded, urging affirmance.

DECISION

Affirmed.

It is undisputed (stipulated) that the claimant sustained a compensable low back injury on _____, when he slipped and fell off a forklift. The dispute is whether cervical, thoracic, and upper extremity complaints are part of the compensable injury. The hearing officer, in his Statement of the Evidence, comments that the first documented cervical complaints were on February 27, 2000 (__ months after the fall), and there was no examination of the neck until April 25, 2000. The hearing officer concludes that these "documentations are too remote in time to support a finding that the fall caused [the claimant's] injuries."

Whether the claimant's compensable injury included the alleged conditions was a factual question for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the trier of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been 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 **FIREMAN'S FUND INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**DOROTHY C. LEADERER
1999 BRYAN STREET
DALLAS, TEXAS 75201.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Margaret L. Turner
Appeals Judge