

APPEAL NO. 032991
FILED DECEMBER 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 October 22, 2003. The hearing officer determined that the appellant (claimant) sustained an injury to his low back in the form of a sprain/strain, in addition to the elbow¹ injury sustained on _____. He further determined that the compensable injury did not include the disc bulge and bilateral foraminal stenosis at L4-5 and L5 radiculopathy. The claimant appeals the latter determination. The respondent (self-insured) urges affirmance. The determination regarding the sprain/strain to the low back was not appealed and has become final. Section 410.169.

DECISION

Affirmed, as reformed.

We have reviewed the complained-of determination and conclude that the extent-of-injury issue involved a fact question for the hearing officer. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determination is supported by the record and is not 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).

¹ The hearing officer refers to a left elbow injury in his decision, but the evidence clearly established that the injury was to the right elbow, and the surgery was performed on the right elbow. We reform the decision accordingly.

We affirm the decision and order of the hearing officer, as reformed.

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

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

Michael B. McShane
Appeals Panel
Manager/Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Robert W. Potts
Appeals Judge