

APPEAL NO. 040074
FILED FEBRUARY 12, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on December 19, 2003. The hearing officer determined that the appellant (claimant) has not had disability from July 12, 2003, through the date of the CCH and that the claimant's compensable injury does not extend to or include alleged problems of "lumbar annular fissure, bulge and radiculopathy."

The claimant appeals, contending that the medical documentation from "doctors who actually treated her overcome the medical opinions of doctors who only examined her briefly once." The respondent (self-insured) responds, urging affirmance.

DECISION

Affirmed.

It is undisputed that the claimant sustained a compensable injury on _____, when she slipped and fell. Although the claimant apparently saw some doctors at a clinic, those records are not in evidence and the claimant testified that she continued to work until April 2003. The claimant saw the self-insured's required medical examination (RME) doctor on February 13, 2003. The doctor concluded that the claimant's compensable "strain/sprain-type injury" had resolved and noted "overlay by psychological factors." An MRI performed on February 27, 2003, notes 3mm posterior bulging at the L4-5 level with an annular fissure. The claimant changed treating doctors to Dr. W in April 2003, and Dr. W took the claimant off work. The claimant was subsequently seen by a Texas Workers' Compensation Commission (Commission) RME doctor who in a report dated August 23, 2003, diagnosed a resolved cervical/lumbar strain and was of the opinion that the claimant could return to work without restrictions. The Commission's RME doctor had the MRI results, functional capacity evaluation (FCE) testing, and other medical reports available. The hearing officer commented that he was giving greater weight to the RME doctor's reports, rather than the medical reports submitted by the claimant.

Conflicting evidence was presented on the disputed issues. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). 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 the trier of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. The hearing officer's decision is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order 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

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

Thomas A. Knapp
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Gary L. Kilgore
Appeals Judge