

APPEAL NO. 040118
FILED MARCH 10, 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 was held on November 19, 2003. The hearing officer determined that the appellant's (claimant) compensable injury of _____, does not extend to or include a lumbar spine injury. The claimant appeals, pointing to medical evidence that he believes establishes that he had some type of back injury, and disagreeing with the Texas Workers' Compensation Commission-appointed required medical examination doctor's opinion because that doctor did not have complete medical records. The respondent (carrier) responds, urging affirmance.

DECISION

Affirmed.

The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). It was for the hearing officer, as trier of fact, to resolve the inconsistencies and conflicts in the evidence. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). This is equally true regarding medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). The hearing officer was obviously not persuaded that the medical evidence established that the claimant's injury included a lumbar spine injury. In this case, the lack of any complaint of low back pain for far more than a year after the claimant sustained the compensable abdominal injury and the lack of objective medical evidence of a lumbar spine injury caused the hearing officer to determine that the claimant failed to meet his burden of proof on the extent-of-injury issue. We conclude that the hearing officer's decision is supported by sufficient evidence and that it is not so contrary to 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 decision and order of the hearing officer.

The true corporate name of the insurance carrier is **CONTINENTAL CASUALTY COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Michael B. McShane
Appeals Panel
Manager/Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Margaret L. Turner
Appeals Judge