

APPEAL NO. 040201
FILED MARCH 11, 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 scheduled for October 6, 2003, but was reset to and held on January 5, 2004. The hearing officer resolved the disputed issue by deciding that the _____, compensable injury of respondent (claimant) does extend to and include an injury to the cervical spine. Appellant (carrier) appealed on sufficiency of the evidence grounds. Claimant responded, urging affirmance.

DECISION

We affirm.

We have reviewed the complained-of determination regarding extent of injury and conclude that this 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).

We note that on appeal, carrier asserts that in a prior hearing regarding the issues of compensability and disability, this same hearing officer determined that claimant's compensable repetitive trauma injury was "limited to her right upper extremity." We do not agree. The issue at the prior hearing merely dealt with whether or not claimant sustained a compensable injury and had disability. The hearing officer was not asked to specifically define the injury, and she made no findings of fact or conclusions of law that can be read to specifically limit the nature and extent of claimant's injury.

We affirm the hearing officer's decision and order.

According to information provided by the carrier, the true corporate name of the insurance carrier is **AMERICAN PROTECTION INSURANCE** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS
AUSTIN, TEXAS 78701.**

Judy L. S. Barnes
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Margaret L. Turner
Appeals Judge