

APPEAL NO. 040428  
FILED APRIL 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 was held on February 3, 2004. The hearing officer determined that the respondent's (claimant) \_\_\_\_\_, compensable injury does include an aggravation of the preexisting pseudoarthrosis at the L4-5 level of her lumbar spine. The appellant (self-insured) appealed on sufficiency of the evidence grounds. The claimant responded, urging affirmance.

DECISION

Affirmed.

Whether the claimant's compensable injury includes an aggravation of the preexisting pseudoarthrosis at the L4-5 level of the lumbar spine was a factual question for the hearing officer to resolve. Conflicting evidence was presented at the hearing on the disputed issue in this case. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established from the evidence presented. 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 hearing officer's decision and order is 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

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

---

Daniel R. Barry  
Appeals Judge

CONCUR:

---

Elaine M. Chaney  
Appeals Judge

---

Chris Cowan  
Appeals Judge