

APPEAL NO. 040540  
FILED APRIL 20, 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 9, 2004. The hearing officer resolved the disputed issue by deciding that the respondent's (claimant) compensable injury of \_\_\_\_\_, includes the cervical spine soft tissue injury and an aggravation of the cervical disc disease. The appellant (carrier) appeals, contending that the hearing officer's determination on the disputed issue is not supported by sufficient evidence and is contrary to the overwhelming weight of the evidence. The claimant requests affirmance.

DECISION

Affirmed.

Conflicting evidence was presented on the disputed issue of whether the claimant's compensable injury includes a cervical soft tissue injury and/or degenerative disc disease. 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. In Cooper v. St. Paul Fire & Marine Insurance Company, 985 S.W.2d 614 (Tex. App.-Amarillo 1999, no pet.), the court concluded that the definition of injury in the 1989 Act includes the aggravation of preexisting conditions or injuries. Although there is conflicting evidence in this case, we conclude that the hearing officer's determination on the disputed issue 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 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **UNIVERSAL UNDERWRITERS INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
701 BRAZOS STREET, SUITE 1050  
AUSTIN, TEXAS 78701.**

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Robert W. Potts  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Gary L. Kilgore  
Appeals Judge