

APPEAL NO. 040707
FILED MAY 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 March 10, 2004. The hearing officer determined that the _____, compensable injury does not extend to and include lumbar spine MRI findings, dated April 16, 2003 (L5-S1 sizeable central disc protrusion/extrusion in contact with the medial aspects of S1 nerve roots bilaterally and displacing them, L2-3 annular bulging with a small overlying central disc protrusion, and other degenerative changes as described [in the MRI report]); that the compensable injury does extend to and include left knee MRI findings, dated May 15, 2003 (partial tear anterior cruciate ligament; a subtle tear of the posterior horn of lateral meniscus; and a bone contusion anterior aspect of lateral tibial plateau); and that the claimant had disability, resulting from the compensable injury, from October 3, 2003, through the date of the hearing. In her appeal, the claimant argues that the hearing officer's finding that the compensable injury did not extend to the conditions found on the April 16, 2003, lumbar MRI was against the great weight of the evidence. In its response, the carrier urges affirmance. The hearing officer's determinations that the claimant had disability from October 3, 2003, through the date of the hearing and that the compensable injury extends to and includes the May 15, 2003, left knee MRI findings, were not appealed and have become final. Section 410.169.

DECISION

Affirmed.

The hearing officer did not err in determining that the compensable injury does not include the April 16, 2003, lumbar MRI findings. That issue presented a question of fact for the hearing officer to resolve. The hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as the weight and credibility that is to be given to the evidence. Section 410.165(a). It was a matter for the hearing officer to resolve the inconsistencies and conflicts in the evidence and to decide what facts the evidence has established. Garza v. Commercial Ins. Co., 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). In this instance, the hearing officer was not persuaded that the claimant proved that the findings on the April 16, 2003, lumbar spine MRI were caused by the _____, incident. Nothing in our review of the record reveals that the challenged determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to reverse that determination on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **NATIONAL FIRE INSURANCE COMPANY OF HARTFORD** and the name and address of its registered agent for service of process is

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

Elaine M. Chaney
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Edward Vilano
Appeals Judge