

APPEAL NO. 040859
FILED JUNE 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 February 19, 2004. On the issue before him, the hearing officer held that the death of the deceased father (decedent herein) of the respondent (claimant beneficiary herein) was a result of treatment for the compensable injury sustained on _____. The appellant (carrier herein) files a request for review, arguing that the decedent's death did not result from his compensable injury, but was the result of depression, addiction to prescription drugs and suicidal tendencies. There is no response from the claimant beneficiary to the carrier's request for review in the appeal file.

DECISION

Finding sufficient evidence to support the decision of the hearing officer and no reversible error in the record, we affirm the decision and order of the hearing officer.

The hearing officer recites the facts of the case in some detail and we incorporate his rendition of the facts by reference. This case is a claim for death benefits. The parties stipulated that the decedent sustained a compensable lumbar spine injury on _____. As a result of his injury he had been given prescription medications including Celexa (citalopram) and Soma (carisoprodol). The decedent was found dead on October 22, 2002, and according to the autopsy report he died from the toxic effects of multiple drugs including Celexa and Soma. There was no evidence of the presence of any illicit drugs or alcohol in the autopsy report.

The law supports compensation for a condition brought about by reasonable or necessary medical treatment for a work-related injury. Liberty Mutual Insurance Co. v. Pool, 449 S.W.2d 121, 123 (Tex. Civ. App.-Texarkana 1969, writ ref'd n.r.e.); Home Insurance Co. v. Gillum, 680 S.W.2d 844 (Tex. App.-Corpus Christi 1984, writ ref'd n.r.e.). In Texas Workers' Compensation Commission Appeal No. 93612, decided September 3, 1993, we held that the 1989 Act "supports compensation for a condition brought about by reasonable or necessary medical treatment for a work related injury." In Texas Workers' Compensation Commission Appeal No. 960574, decided May 3, 1996, the deceased in that case expired as the result of a "mixed drug overdose," and the Appeals Panel affirmed the hearing officer's decision that his compensable injury resulted in his death.

The carrier argues that the decedent's death was the result of drug addiction and/or suicide. There was conflicting evidence offered with respect to cause of the decedent's death. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence, including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.]

1984, no writ)). The hearing officer discusses the evidence and explains in some detail why he believed the decedent's death was accidental as opposed to suicidal and due to treatment for the decedent's compensable injury. In view of the evidence presented, we cannot conclude that the hearing officer's determinations are 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 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **WAUSAU BUSINESS INSURANCE 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.**

Gary L. Kilgore
Appeals Judge

CONCUR:

Margaret L. Turner
Appeals Judge

Edward Vilano
Appeals Judge