

APPEAL NO. 041355  
FILED JULY 27, 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 May 12, 2004. The hearing officer determined that the compensable injury of \_\_\_\_\_, extends to and includes an 8 millimeter disc herniation at L5-S1 but does not extend to or include degenerative disc disease. The appellant (self-insured) appeals the determination regarding an 8 millimeter disc herniation at L5-S1 essentially on sufficiency of the evidence grounds. The respondent (claimant) did not file a response. The hearing officer's determination with regard to degenerative disc disease was not appealed and has become final. Section 410.169.

DECISION

Affirmed.

The hearing officer did not err in determining that the compensable injury of \_\_\_\_\_, extends to and includes an 8 millimeter disc herniation at L5-S1. This determination involved a question of fact for the hearing officer to resolve. 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 claimant's medical evidence supports a finding that the 8 millimeter herniation at L5-S1 is related to the compensable injury. Accordingly, we cannot conclude that the hearing officer's determination 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 decision and order of the hearing officer is affirmed.

The true corporate name of the insurance carrier is **(a certified self-insured)** and the name and address of its registered agent for service of process is

**CT CORPORATION  
350 NORTH ST. PAUL, SUITE 2900  
DALLAS, TEXAS 75201.**

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Edward Vilano  
Appeals Judge

CONCUR:

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Veronica L. Ruberto  
Appeals Judge

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Margaret L. Turner  
Appeals Judge