

APPEAL NO. 041545  
FILED AUGUST 19, 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 (CCH) was held on June 1, 2004. The hearing officer resolved the disputed issue by deciding that the respondent's (claimant) injury sustained on \_\_\_\_\_, does extend to and include a L4-5 right central disc herniation/protrusion producing deformity of both nerve root sleeves and central spinal canal stenosis, L2-3 and L3-4 disc derangement desiccation and bulging disc with moderate central spinal canal stenosis at L2-3 and severe spinal canal stenosis at L3-4 with facet arthropathy. The appellant (carrier) appealed, disputing the extent-of-injury determination. The claimant responded, urging affirmance.

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable injury on \_\_\_\_\_. At issue was whether the compensable injury extended to include a L4-5 right central disc herniation/protrusion producing deformity of both nerve root sleeves and central spinal canal stenosis, L2-3 and L3-4 disc derangement desiccation and bulging disc with moderate central spinal canal stenosis at L2-3 and severe spinal canal stenosis at L3-4 with facet arthropathy. The claimant had the burden of proof on this issue and it presented a question of fact for the hearing officer. Conflicting evidence was presented on the disputed issue. The 1989 Act makes the hearing officer the sole judge of the weight and credibility to be given to the evidence. Section 410.165(a). As such, the hearing officer was required to resolve the conflicts and inconsistencies in the evidence and to determine what facts the evidence established. Based on the evidence presented at the CCH, the hearing officer was persuaded that the evidence was sufficient to causally relate the MRI findings of the lumbar spine to the compensable injury sustained on \_\_\_\_\_, and that the evidence was sufficient to establish that the claimant's preexisting condition to his lumbar spine was aggravated, worsened, or enhanced as a result of the injury sustained on \_\_\_\_\_. The hearing officer's decision 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, 176 (Tex. 1986).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
800 BRAZOS, SUITE 750, COMMODORE 1  
AUSTIN, TEXAS 78701.**

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Margaret L. Turner  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Daniel R. Barry  
Appeals Judge