

APPEAL NO. 041831  
FILED SEPTEMBER 16, 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 June 28, 2004. The hearing officer resolved the disputed issue by deciding that the compensable injury of \_\_\_\_\_, includes an injury to the respondent's (claimant) lumbar spine. The appellant (carrier) appealed, arguing that the extent-of-injury determination is against the great weight and preponderance of the evidence and should be reversed. The appeal file did not contain a response from the claimant.

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable injury on \_\_\_\_\_. At issue was whether the compensable injury included an injury to the lumbar spine. Conflicting evidence was presented with regard to the extent of the claimant's compensable injury. 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. The hearing officer was persuaded by the claimant's testimony and medical evidence that the claimant's compensable injury extends to and includes an injury to the lumbar spine. The hearing officer specifically noted that the claimant was a credible witness on the issue in dispute. Nothing in our review of the record indicates that the challenged determination is so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **GREAT AMERICAN ALLIANCE 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.**

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Margaret L. Turner  
Appeals Judge

CONCUR:

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Chris Cowan  
Appeals Judge

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Gary L. Kilgore  
Appeals Judge