APPEAL NO. 041901
FILED SEPTEMBER 22, 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 July 7, 2004. The hearing officer determined that the respondent's (claimant) _____, compensable injury does not include the claimant's cervical spine in the form of herniated discs and that the claimant had disability beginning July 14, 2003, through the date of the CCH. The hearing officer's determination that the claimant's compensable injury does not extend to the cervical herniated discs has not been appealed and has become final pursuant to Section 410.169.

The appellant (carrier) appeals the disability determination, contending that the hearing officer failed to define the specific left eye condition, "among other non-compensable left eye conditions" which resulted in disability as defined in Section 401.011(16). The file does not contain a response from the claimant.

DECISION

Affirmed.

The claimant, a landscape laborer, sustained a compensable injury on _____, when a branch from a tree struck him across his left eye. The hearing officer, in an unappealed finding, determined that the claimant sustained a compensable injury to his left eye on _____, when struck by a tree branch. The claimant was seen by a number of specialists and one report dated July 15, 2003, had an impression, among others, of "[p]ossible irridocorneal endothelial syndrome (ICE), with end-stage glaucoma," a dislocated left eye lens with corneal decompensation and superficial corneal defects. The hearing officer, in the Background Information, commented that the "evidence does not establish that any of the diagnosed conditions. . . have resolved." The hearing officer, at the CCH, commented that he would not address the extent issue if he does not have to.

The carrier contends that the hearing officer erred in failing to determine what the compensable injury was and erred in finding that the compensable injury (as opposed to other chronic noncompensable condition) was a cause of the claimant's disability. The carrier appears to recognize that a compensable injury need only be **a** cause of the claimant's inability to obtain and retain employment. The carrier alleges error in that the hearing officer did not sort out which of the diagnosed conditions he found compensable and which he did not.

Extent of the various diagnoses of the left eye was not an issue before the hearing officer, and the hearing officer did not err in failing to specificy which of the conditions he found was compensable. Certainly there was ample evidence that the claimant sustained a compensable left eye injury and arguably there was medical

evidence that a "significant trauma" could result in the dislocation of the mature cataract lens in the left eye. We also note that disability can be proven by the claimant's testimony alone, if believed by the hearing officer. The hearing officer is the sole judge of the weight and credibility given to the evidence and this applies equally to medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ).

We cannot conclude that the hearing officer erred in not specifying which of the left eye conditions he found compensable to the exclusion of other conditions, nor can we conclude that the hearing officer's determination on the disability issue was 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).

Accordingly, the hearing officer's decision and order are affirmed.

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

H. TRAVIS PUTNEY, JR.
5102 DUSTY TRAIL COVE
AUSTIN, TEXAS 78749-2223.

_____
Thomas A. Knapp
Appeals Judge

CONCUR:

_____
Gary L. Kilgore
Appeals Judge

_____
Margaret L. Turner
Appeals Judge