

APPEAL NO. 030437
FILED APRIL 7, 2003

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 October 21, 2002, and January 24, 2003. The hearing officer determined that the respondent's (claimant) compensable _____, low back injury includes erectile dysfunction.

The appellant (carrier) appeals, contending that the claimant failed in his burden of proof that his erectile dysfunction is related to the compensable injury. The appeal file does not contain a response from the claimant.

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable low back injury on _____. The claimant had lumbar spinal surgery on August 10, 2000, and about three months later began complaining of erectile dysfunction. It is relatively undisputed that the initial lifting incident on _____, did not cause the sexual dysfunction. The claimant contends that the erectile dysfunction was caused by either the narcotic pain medication that he was prescribed or by the first of two surgeries, or both. The carrier contended that the cause of the erectile dysfunction was either the claimant's diabetes (ruled out by testing) or some other factors and the claimant has not met his burden of proving the exact cause of the problem.

There was conflicting medical evidence. The hearing officer had one of the specialists perform a required medical examination. That report, and answers to follow-up questions, generally supported the claimant's position. The 1989 Act provides that the hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). Where there are conflicts in the evidence, the hearing officer resolves the conflicts and determines what facts the evidence has established. This is equally true regarding medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). As an appeals body, we will not substitute our judgment for that of the hearing officer when the determination is not so against the overwhelming weight of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Texas Workers' Compensation Commission Appeal No. 950456, decided May 9, 1995.

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **THE CONNECTICUT INDEMNITY COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICES COMPANY
800 BRAZOS
AUSTIN, TEXAS 78701.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Gary L. Kilgore
Appeals Judge