

APPEAL NO. 032950
FILED DECEMBER 19, 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 November 3, 2003. The hearing officer determined that the appellant (claimant) sustained a compensable injury on _____, in the form of a minor chest bruise; that the compensable injury does not extend to or include the claimant's neck and back; that the claimant did not have disability resulting from the compensable injury; and that the respondent (self-insured) did not waive the right to contest compensability of the injury by not contesting it in accordance with Section 409.021. The claimant appeals the extent-of-injury, disability, and waiver determinations. The self-insured urges affirmance of the hearing officer's decision.

DECISION

Affirmed.

The complained-of determinations involved factual questions for the hearing officer to resolve. Section 410.165(a) provides that the hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as of the weight and credibility that is to be given to the evidence. This is equally true regarding the medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). Nothing in our review of the record indicates that the hearing officer's determinations on the appealed issues are 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). The claimant asserts that the hearing officer erred in defining the compensable injury as a "minor chest bruise." However, extent of injury was an issue presented before the hearing officer and, therefore, we perceive no error in the specificity of the nature of the compensable injury. Additionally, we cannot agree, as the claimant contends, that a compensability determination requires a disability determination.

The hearing officer's decision and order are affirmed.

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

**CR
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Chris Cowan
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Thomas A. Knapp
Appeals Judge