APPEAL NO. 131204
FILED AUGUST 1, 2013

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 April 16, 2013, in [City], Texas, with [hearing officer] presiding as hearing officer. The hearing officer resolved the disputed issue by deciding that the compensable injury of [date of injury], does not extend to chronic lumbar sprain/strain and lumbar radiculitis. The (appellant) claimant appealed, disputing the hearing officer's extent-of-injury determination. Respondent 1 (self-insured) responded, urging affirmance of the disputed extent-of-injury determination. The appeal file does not contain a response from respondent 2 (subclaimant) to the claimant's appeal.

DECISION

Affirmed in part and reversed and rendered in part.

The parties stipulated that on [date of injury], the claimant sustained a compensable injury to her lumbar spine at least in the form of a strain/sprain[1] and that the claimant has been diagnosed with the medical conditions at issue in the CCH.

The claimant testified that she hurt her back while lifting frozen food products to store in the freezer. The hearing officer noted in the Background Information portion of his decision that "[c]onsidering the mechanism of injury, the results of diagnostic testing and the medical opinions, the evidence is insufficient to establish a causal relationship between the [c]laimant's diagnosed chronic lumbar sprain/strain and [l]umbar [r]adiculitis and the compensable injury she sustained on [date of injury]."

That portion of the hearing officer's determination that the compensable injury of [date of injury], does not extend to lumbar radiculitis is supported by sufficient evidence and is affirmed.

The Appeals Panel has long held that expert medical evidence is not required for strains. *See* Appeals Panel Decision (APD) 120383, decided April 20, 2012, where the Appeals Panel rejected the contention that a cervical strain requires expert medical evidence; APD 992946, decided February 14, 2000, where the Appeals Panel declined to hold expert medical evidence was required to prove a shoulder strain; and APD 952129, decided January 31, 1996, where the Appeals Panel declined to hold expert medical evidence was required to prove a back strain.

[1] We note that the hearing officer left the words "at least" out of the stipulation in his decision but a review of the record reflects the stipulation agreed to by the parties included the words "at least."

As previously noted, the parties stipulated that the claimant sustained a compensable injury to her lumbar spine at least in the form a sprain/strain and that the claimant has been diagnosed with the conditions at issue. We do not agree that chronic lumbar sprain/strain goes beyond the lumbar strain/sprain accepted by the self-insured. *See also* APD 130808, decided May 20, 2013. Accordingly, we reverse the hearing officer's determination that the compensable injury does not extend to chronic lumbar sprain/strain and render a new decision that the compensable injury of [date of injury], extends to chronic lumbar sprain/strain.

SUMMARY

We affirm the hearing officer's determination that the compensable injury of [date of injury], does not extend to lumbar radiculitis.

We reverse the hearing officer's determination that the compensable injury of [date of injury], does not extend to chronic lumbar sprain/strain and render a new decision that the compensable injury of [date of injury], does extend to chronic lumbar sprain/strain.

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

[LZ]
[ADDRESS]
[CITY], TEXAS [ZIP CODE].

Margaret L. Turner
Appeals Judge

CONCUR:

Veronica L. Ruberto
Appeals Judge

Carisa Space-Beam
Appeals Judge