APPEAL NO. 991356

This appeal is considered in accordance with the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). On May 24, 1999, a contested case hearing was held. The issues concerned whether the appellant, who is the claimant, sustained a left heel injury in addition to the undisputed injury to her left knee, which occurred on _____.

The hearing officer determined that the claimant did not injure her left heel while at work for her employer and did not establish the connection by a preponderance of the evidence.

The claimant has appealed. She argues that the evidence, which she recites, proves the connection of her heel condition to the compensable injury. The respondent (carrier) responds that the decision is sufficiently supported by the evidence. Countervailing evidence is recited in the response.

DECISION

Affirmed.

The claimant was a custodian employed by the self-insured school district, referred to herein as employer or carrier, depending upon the context of the reference. She hurt her left knee on _____, when a table she was lifting broke in two, and the corner hit her left knee. The claimant attempted to report the injury but was told the principal was out. She continued to work for the next five days at her regular job, which consisted of lifting and moving tables and filing cabinets.

The claimant denied any previous injuries to anything but an elbow. She first sought medical care the day after the principal came back, and the employer made the appointment for her, which would have been March 10, 1998. The first doctor seen was Dr. C, who referred her to Dr. B. Dr. B's office notes dated May 4, 1998, show that Dr. B referred the claimant elsewhere for treatment of her left heel pain, as it was "obviously" not directly related to her compensable injury. Dr. B's earlier records are concerned only with knee pain. The claimant asserted she reported both heel and knee pain from the beginning. The claimant asserted she was told by Dr. B that they would only "worry" about her knee right now and take care of her heel later. She said that Dr. B told her that her heel pain resulted from being overweight.

The claimant was diagnosed with a torn medial meniscus. Dr. B performed surgery on the claimant's knee; she had a second surgery performed by Dr. S. On July 9, 1998, Dr. S noted that the claimant had heel pain and, while she did not know if it was related, it had started soon after her injury. Dr. S wrote a letter on November 3, 1998, stating that he believed the claimant's heel pain was related to her compensable injury; however, the letter does not describe the mechanism of injury.

Physical therapy records dated August 13, 1998, and thereafter, cite complaints about the claimant's heel as well as her knee. The claimant said she has been advised that she has a small heel spur, and she believed that it results from walking around with her injured knee. Medical records cited the impression of Achilles tendinitis. We note that Dr. S's June 1998 record states that the claimant contended she was keeping weight off her left leg and putting more on her right leg.

The claimant's current treating doctor, Dr. SM, D.C., testified by telephone. Dr. SM stated that he first saw the claimant on April 14, 1999, complaining of left heel and knee pain. He said the claimant had been referred to a podiatrist and there were no reports back at this time. Dr. SM stated that his opinion was that the claimant developed heel pain subsequent to the initial injury and there were several heel spurs. Dr. SM said that it was a possibility that the two conditions were related, and then amended his testimony to say that the connection rose to a "probability." Dr. SM said that spurring takes place in soft tissues and ligaments and results from the knee injury because the claimant would have been walking stiff legged, and thus would have been walking around with less "spring" in her left foot. The additional stretching caused by the altered gait would have resulted in calcifications developing in the heel. Dr. SM stated that he could not imagine anyone having the claimant's degree of calcification during the previous year or before the injury without symptoms.

While much was made during cross-examination as to whether the claimant did, or did not, report her heel pain early in the course of treatment, this is not necessarily dispositive of the relationship of an extended injury to the original injury. The claimant had the burden of proof, however, of establishing that the heel injury happened at the same time as, or arose later as, the natural result of the knee injury. The fact that another body part begins to hurt after an injury does not, standing alone, establish the connection in this case. The hearing officer's assessment that the claimant failed to prove this connection is, however, supported by the record. It appears that the claimant's left-heel pain results from spurring, and aside from Dr. S's conclusory statement that there is a relationship, it is not readily apparent how one would develop from the other. Moreover, the claimant's theory that this developed from increased weight on the injured limb is somewhat refuted by records indicating that she put her weight on her right leg, opposite from the injured limb.

The hearing officer is the sole judge of the relevance, materiality, weight, and credibility of the evidence presented at the hearing. Section 410.165(a). The decision should not be set aside because different inferences and conclusions may be drawn upon review, even when the record contains evidence that would lend itself to different inferences. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). It was for the hearing officer, as trier of fact, to resolve the inconsistencies and conflicts in the evidence. Garza. This is equally true of medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286, 290 (Tex. App.-Houston [14th Dist.] 1984, no writ). A trier of fact is not required to accept a claimant's testimony at face value, even if not specifically contradicted by other evidence. Bullard v. Universal Underwriters Insurance Company, 609 S.W.2d 621 (Tex. Civ. App.-

Amarillo 1980, no writ). The trier of fact may believe all, part, or none of the testimony of any witness. Taylor v. Lewis, 553 S.W.2d 153, 161 (Tex. Civ. App.-Amarillo 1977, writ ref'd n.r.e.). We will not reverse the fact determinations of a hearing officer unless they are against the great weight and preponderance of the evidence so as to be manifestly unfair or unjust. We cannot agree that this is the case here and affirm the hearing officer's decision and order as supported sufficiently in the record.

_____
Susan M. Kelley
Appeals Judge

CONCUR:

_____
Thomas A. Knapp
Appeals Judge

_____
Gary L. Kilgore
Appeals Judge