

APPEAL NO. 000076

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 December 17, 1999. The hearing officer determined that the _____, compensable leg injury of the respondent (claimant) extended to and included an injury to his back. Appellant (carrier) appeals, contending that the claimant injured only his leg. Claimant responds that the Appeals Panel should affirm the hearing officer's decision and order.

DECISION

We affirm.

Carrier contends the hearing officer erred in determining that claimant's compensable injury extended to his back. Carrier asserts that claimant's medical records from immediately after the injury do not mention that claimant complained of back pain. Carrier contends that claimant was not credible in his testimony.

The hearing officer summarized the facts in the decision and order. Briefly, claimant testified that he was injured when he fell through a hole in a trailer and fell back on his buttocks. Claimant said he continued to work and was treated later for a wound to his shin. Claimant said that his back began to hurt about three or four days later and that he mentioned this to Dr. S, but that Dr. S did not say anything. Claimant said Dr. S seemed to concentrate on the "hole" in his leg and did not ask if claimant had any other injuries.

A medical report from Dr. C dated about two weeks after the injury states that claimant had paraspinal muscle spasms and that claimant had a lumbar sprain/strain and nerve root injury. A nerve conduction study report from Dr. L states under "impression," "suggestive lumbar radiculopathy involving the left S1 nerve root . . ." In an October 1999 report, Dr. LE stated that claimant's back problems are not causally related to his injury involving the leg puncture wound.

The applicable law and our appellate standard of review are set forth in Texas Workers' Compensation Commission Appeal No. 950537, decided May 24, 1995; Texas Workers' Compensation Commission Appeal No. 951959, decided January 3, 1996; Section 410.165(a); Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ); and Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

In this case, the hearing officer weighed the evidence and determined that claimant's injury extended to his back. This injury issue involved a fact question for the hearing officer, which she resolved. Appeal No. 951959. The hearing officer could decide to believe all, none, or any part of the evidence and decided what weight to give to the evidence. Campos, *supra*. The fact that Dr. S's records do not mention complaints of back pain was a factor for the hearing officer to consider in resolving the fact issues in the case.

After reviewing the evidence, as set forth above, we conclude that the hearing officer's determination regarding extent of injury is not so against the great weight and preponderance of the evidence as to be wrong or manifestly unjust. Cain, *supra*.

We affirm the hearing officer's decision and order.

Judy Stephens
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Tommy W. Lueders
Appeals Judge