

APPEAL NO. 000145

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 January 6, 1999. The issue at the CCH was whether the compensable injury of \_\_\_\_\_, extended to include an injury to the appellant's (claimant) left foot and ankle. The hearing officer determined that the compensable injury did not extend to the left foot or ankle. Claimant has appealed, asserting the great weight of evidence is to the contrary. Respondent (carrier) urges that there is sufficient evidence to support the decision of the hearing officer and asks for affirmance.

DECISION

Affirmed.

Claimant sustained an injury to his left hip and thigh on \_\_\_\_\_, when he was hit by a pallet at work. He claims at this CCH that his injury extended to his left ankle and foot and states he has pain in his ankle when he walks. He was treated by Dr. R and Dr. L and underwent six weeks of therapy for his hip/thigh. Although claimant states he told his doctors that he had pain in his ankle, none of the medical records mention this and there is no indication of treatment for any left foot or ankle condition. He was subsequently given an impairment rating for the hip and thigh by Dr. R. Dr. R, in a letter dated December 29, 1999, states:

In summary, it is my opinion that [claimant's] original injury on \_\_\_\_\_ only involved the left hip and left thigh. As noted above, he did see another physician, [Dr. L] on two separate occasions who classified his injury as a sprain left hip joint.

The hearing officer found that the medical evidence did not support the claimant's contention that his injury extended to the left foot and ankle and determined that the injury did not extend to the left foot and ankle. It is apparent that the hearing officer was not convinced by the testimony of the claimant that the compensable injury extended to the left foot or ankle. In this regard, the hearing officer, as the sole judge of the weight and credibility of the evidence (Section 410.165(a)), was not bound to accept the claimant's testimony at face value. Bullard v. Universal Underwriters Insurance Company, 609 S.W.2d 621 (Tex. Civ. App.-Amarillo 1980, no writ). Although the claimant urges that the hearing officer's determination was against the great weight of the evidence, we cannot find where that great weight of evidence is in this record. To the contrary, the hearing officer clearly found the medical evidence more persuasive, including the opinion expressed by Dr. R concerning the extent of the compensable injury. Weighing the medical evidence in this case was a responsibility of the hearing officer. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). From our review of the evidence, we simply cannot conclude that the hearing officer's determinations are not supported by sufficient evidence or that his determinations were so against the great weight

and preponderance of the evidence as to be clearly wrong or unjust. Employers Casualty Company v. Hutchinson, 814 S.W.2d 539 (Tex. App.-Austin 1991, no writ). Accordingly, the decision and order are affirmed.

Stark O. Sanders, Jr.  
Chief Appeals Judge

CONCUR:

Tommy W. Lueders  
Appeals Judge

Dorian E. Ramirez  
Appeals Judge