

APPEAL NO. 002238

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 September 13, 2000. With respect to the single issue before her, the hearing officer determined that the appellant's (claimant) compensable injury of \_\_\_\_\_, does not extend to include injuries to the low back and both knees. In his appeal, the claimant argues that the hearing officer's extent-of-injury determination is against the great weight of the evidence. The appeals file does not include a response to the claimant's appeal from the respondent (carrier).

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable left hip injury on \_\_\_\_\_. The claimant testified that on that date he was carrying a bundle of pants, he made a sharp turn, and he "heard a crack" and felt pain in his left hip. On July 31, 1998, the claimant began walking on crutches. He stated that he continued to walk on crutches until December 1999 when he had hip replacement surgery. The claimant stated that he began to develop low back pain in \_\_\_\_\_ and bilateral knee pain in \_\_\_\_\_. He contends that he sustained injuries to his low back and both knees as a result of using crutches to walk for some 18 months. The medical reports offered in evidence by the claimant document complaints of low back and bilateral knee pain; however, that evidence is silent as to the cause of the claimant's low back and bilateral knee pain.

The claimant had the burden to prove that his compensable injury extends to and includes his low back and both knees. Johnson v. Employers Reinsurance Corp., 351 S.W.2d 936 (Tex. Civ. App.-Texarkana 1961, no writ). That question presents a question of fact for the hearing officer to resolve. The hearing officer is the sole judge of the relevance and materiality of the evidence and of its weight and credibility. Section 410.165(a). The hearing officer resolves conflicts and inconsistencies in the evidence and decides what facts have been established. Texas Employers Ins. Ass'n v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). To this end, the hearing officer as fact finder may believe all, part, or none of the testimony of any witness. When reviewing a hearing officer's decision we will reverse such decision only if it is so contrary to the overwhelming weight of the evidence as to be clearly wrong and manifestly unjust. Pool v. Ford Motor Co., 715 S.W.2d 629, 635 (Tex. 1986); Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

In this instance, the hearing officer determined that the claimant did not sustain his burden of proof. That is, the hearing officer simply was not persuaded that the evidence presented established a causal relationship between the claimant's compensable injury and injuries to his low back and both knees because she was not convinced that the claimant's walking on crutches for 18 months caused damage or harm to the claimant's low

back and both knees. Our review of the record does not demonstrate that the hearing officer's extent-of-injury determination is so against the great weight of the evidence as to be clearly wrong or manifestly unjust; therefore, no sound basis exists for us to reverse that determination on appeal. Pool; Cain.

The hearing officer's decision and order are affirmed.

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Elaine M. Chaney  
Appeals Judge

CONCUR:

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Susan M. Kelley  
Appeals Judge

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Judy L. Stephens  
Appeals Judge