APPEAL NO. 002652

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). On August 29, 2000, a hearing was held. The hearing officer decided that the claimant's injury extends to and includes Complex Regional Pain Syndrome and the claimant's cervical spine. The carrier appealed, asserting that the hearing officer's decision is against the great weight of the evidence. The claimant responded that the hearing officer's decision is correct, is in accordance with applicable law, and should be affirmed.

DECISION

Affirmed.

Conflicting evidence, especially medical evidence, was presented. There was evidence in the medical records of evolving diagnoses of the claimant's complaints, including cervical complaints. Prior to the claimant's latest doctors diagnosing her condition as Complex Regional Pain Syndrome, the claimant's doctors had been exploring a possible rheumatoid basis for the claimant's complaints. According to the medical records, rheumatism and other possible factors had been ruled out. Based upon the evidence before him, the hearing officer determined that the claimant's diagnosed Complex Regional Pain Syndrome, also referred to as RSD during the hearing, and an injury to her cervical spine were the result of her compensable repetitive trauma injuries.

The hearing officer is the trier of fact and is the sole judge of the relevance and materiality of the evidence and of the weight and credibility to be given to the evidence. Section 410.165(a). The trier of fact may believe all, part, or none of any witness's testimony. Taylor v. Lewis, 553 S.W.2d 153 (Tex. Civ. App.-Amarillo 1977, writ ref'd n.r.e.); Texas Workers' Compensation Commission Appeal No. 93426, decided July 5, 1993. This is equally true regarding medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). An appeals-level body is not a fact finder, and it does not normally pass upon the credibility of witnesses or substitute its own judgement for that of the trier of fact even if the evidence could support a different result. National Union Fire Insurance Company of Pittsburgh, Pennsylvania v. Soto, 819 S.W.2d 619, 620 (Tex. App.-El Paso 1991, writ denied). Only were we to conclude, which we do not in this case, that the hearing officer's determinations were so against the great weight and preponderance of the evidence as to be manifestly unjust would there be a sound basis to disturb those determinations. In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951); Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986).

The hearing officer's decision and order are affirmed.

Kenneth A. Huchton
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Philip F. O'Neill
Appeals Judge