APPEAL NO. 002845

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). On November 17, 2000, a hearing was held. The hearing officer decided that the appellant (claimant) had not sustained a compensable injury on _____, and had no disability resulting from the alleged injury. The claimant appealed, asserting that the medical evidence overwhelmingly established that she had sustained an aggravation injury to her upper back, mid back, shoulders, both knees, both wrists, both hands, both ankles, bladder, and depression as a result of her work-related activities during the day and a half that she worked for (employer). There is no response in the file from the respondent (carrier).

DECISION

We affirm the decision of the hearing officer.

The claimant began working for the employer on _____, worked a full day, then returned on_____, and worked a half day. The claimant reported a work-related injury to the employer on_____, alleging that her employment had resulted in injuries to a multitude of body parts.

Conflicting evidence was adduced at the hearing on the claimant's activities during her short tenure with the employer, on her past medical history, on treatment received, and diagnoses of injuries both before and after the alleged date of injury in this case, and on exactly how and what the report to the employer was made and included. The hearing officer, after considering all of the evidence before her, held that the claimant had failed to establish that she had sustained an injury and that, because no injury was sustained, the claimant had no disability resulting from the alleged injury.

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). While a claimant's testimony alone may be sufficient to prove an injury, the testimony of a claimant is not conclusive but only raises a factual issue for the trier of fact. Texas Workers' Compensation Commission Appeal No. 91065, decided December 16, 1991. 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). 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 was under no obligation to infer from the claimant's testimony that an injury had been sustained and, regarding the alleged aggravation injury,

the medical records offered into evidence fail to reflect that the claimant had experienced a worsening or additional damage to any part of her body. We note that pain, although possibly indicative of an injury, is not itself compensable. Since we find the evidence sufficient to support the determinations of the hearing officer, we will not substitute our judgement for hers. Texas Workers' Compensation Commission Appeal No. 94044, decided February 17, 1994.

We affirm the decision and order of the hearing officer.

Kenneth A. Huchton
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Robert W. Potts
Appeals Judge