

APPEAL NO. 002948

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). On December 4, 2000, a hearing was held. The hearing officer decided that the appellant's (claimant) compensable injury does not extend to or include psychological disorders. The claimant appealed, asserting that the hearing officer's decision is against the great weight of the evidence and further asserting a number of factors which he contends impaired his ability to present his claim. The respondent (carrier) responded that the hearing officer's decision is supported by the evidence, citing evidence in support of its position, and that the hearing officer's decision should be affirmed.

DECISION

We affirm the hearing officer's decision.

We first address the claimant's assertion, as we understand it, that he was deprived of a fair hearing by factors which include his eyesight; his lack of understanding of the rules governing administrative proceedings; his late receipt of certain medical records and the completeness of the records he did receive; and a disparity in the amount of time used in argument by each side at the conclusion of the hearing. The claimant failed to bring any of the alleged problems to the hearing officer's attention before or during the hearing. The record does not indicate that the hearing officer placed any constraints on the claimant's ability to present his closing argument, other than a request that the claimant "keep it short." With regard to the medical records, which the claimant asserts he didn't receive until the day after the hearing, there was no objection to the admission of the medical records at the time they were offered into evidence. The matters asserted by the claimant do not rise to the level of error by the hearing officer and do not warrant either a reversal or remand of this matter.

Expert opinions were offered by both the claimant and the carrier regarding the claimant's psychological condition and the causes of that condition. The 1989 Act provides that the hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). Where there are conflicts in the evidence, the hearing officer resolves the conflicts and determines what facts the evidence has established. 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). As an appeals body, we will not substitute our judgment for that of the hearing officer when the determination is not so against the overwhelming weight of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). In the instant case, the hearing officer's decision is supported by the evidence and is not against the great weight of the evidence.

We affirm the hearing officer's decision and order.

Kenneth A. Huchton
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Thomas A. Knapp
Appeals Judge