

APPEAL NO. 010512

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 February 12, 2001. The hearing officer determined that the respondent's (claimant) compensable injury extended to and included her post- traumatic stress disorder (PTSD) but not her depression. The appellant (self-insured) urges reversal of the decision with regard to PTSD, asserting that the hearing officer's determination is contrary to the great weight of the evidence. The claimant urges affirmance. The hearing officer's determination with regard to the claimant's depression was not appealed and is, therefore, final.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant's compensable injury extended to and included the PTSD. Whether the compensable injury extended to or included the claimant's PTSD was a question of fact for the hearing officer to decide. Where the matter of the causation of the claimed injury is beyond common knowledge or experience, expert evidence to a reasonable degree of medical probability is required. Houston General Insurance Company v. Pegues, 514 S.W.2d 492 (Tex. Civ. App.-Texarkana 1974, writ ref'd n.r.e.). The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). The hearing officer's determination is not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

Susan M. Kelley
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Philip F. O'Neill
Appeals Judge