

APPEAL NO. 010915
FILED JUNE 6, 2001

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 April 5, 2001.

The issue on appeal is whether the compensable injury of _____, which included a right hernia, extends to and includes the right sacroiliac joint/pelvis, the lumbar spine, and/or the left ilioinguinal hernia and iliohypogastric nerves. The hearing officer found that the injury did extend to the right sacroiliac joint/pelvis, but not the lumbar spine or the ilioinguinal and iliohypogastric nerves. The appellant/cross-respondent (carrier) appealed and requested reversal on the basis that the decision was against the great weight and preponderance of the evidence as to the finding of injury to the right sacroiliac joint/pelvis. The respondent/cross-appellant (claimant) responded that there was sufficient evidence to support the hearing officer's decision. The claimant cross-appealed, asserting that the negative finding to the lumbar spine and left ilioinguinal and iliohypogastric nerves was against the great weight and preponderance; carrier urges affirmance.

DECISION

Affirmed.

The claimant was employed as a maintenance man and sustained a compensable injury on _____, pushing down on the handles of a cart in order to lift the cart's front wheels over a curb. The claimant was diagnosed with a right inguinal hernia which was accepted by the carrier. The claimant had surgery for the hernia, but continued to have complaints. He was subsequently diagnosed with various other injuries.

As to the carrier's issue, the medical evidence is conflicting. At least one report indicates that the sacroiliac joint component may have been caused by the compensable 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). 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). Even though another fact finder might have drawn other inferences or reached a different conclusion that is not a sound basis for a reversal of the hearing officer's decision. Salazar v. Hill, 551 S.W.2d 518 (Tex. Civ. App.-Corpus Christi 1977, writ ref'd n.r.e.).

As to the claimant's issue of the left side nerve injuries and the lumbar spine, the medical evidence was also conflicting. The hearing officer's decision 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, 176 (Tex. 1986).

Accordingly the hearing officer's decision and order are affirmed.

Thomas Knapp
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Elaine Chaney
Appeals Judge