

APPEAL NO. 010917  
FILED JUNE 7, 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 6, 2001. The hearing officer determined that the appellant's (claimant) compensable injury sustained on \_\_\_\_\_, did not extend to the claimant's a vascular necrosis (AVN) of the right hip. The claimant appeals the hearing officer's determination on sufficiency grounds. The respondent (carrier) urges affirmance of the hearing officer's decision.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant's compensable injury sustained on \_\_\_\_\_, does not extend to include AVN. The claimant had the burden to prove that his compensable injury extended to include right hip AVN. Texas Workers' Compensation Commission Appeal No. 000734, decided May 25, 2000. Where the matter of 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 Appeals Panel, an appellate-reviewing tribunal, will not disturb the challenged factual finding of a hearing officer unless it is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust and we do not find it so in this case. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951).

The decision and order of the hearing officer are affirmed.

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Michael B. McShane  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Susan M. Kelley  
Appeals Judge