

APPEAL NO. 011014
FILED JULY 31, 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 18, 2001. With respect to the issues before her, the hearing officer determined that the appellant's (claimant) _____, compensable injury to her right ankle did not extend to and include an injury to the cervical, thoracic, lumbar, right leg, left shoulder, and right shoulder. The claimant appeals and seeks reversal on sufficiency grounds. The respondent (carrier) responds by citing facts in favor of the decision.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant's compensable injury did not extend to and include an injury to the cervical, thoracic, lumbar, right leg, left shoulder, and right shoulder. The evidence adduced at the hearing was that the claimant began to complain to her doctor of injury to these additional parts of her person only after the passing of eight months from her _____, injury to her right ankle. The hearing officer stated that she felt the claimant failed in her burden to show that her compensable injury extended to these additional, allegedly injured body parts.

The parties presented conflicting evidence on the issues in dispute. Pursuant to Section 410.165(a), the hearing officer is the sole judge of the weight and credibility of the evidence. The hearing officer resolves the conflicts and inconsistencies in the evidence and determines what facts have been established from the conflicting evidence. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ); St. Paul Fire & Marine Insurance Company v. Escalera, 385 S.W.2d 477 (Tex. Civ. App.-San Antonio 1964, writ ref'd n.r.e.). 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). This tribunal will not disturb the challenged findings of a hearing officer unless they are 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); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951).

For these reasons, we affirm the decision and order of the hearing officer.

Susan M. Kelley
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Philip F. O'Neill
Appeals Judge