APPEAL NO. 011016
FILED JUNE 18, 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 24, 2001. The hearing officer determined that appellant's (claimant) compensable (left foot/great toe) injury is not a producing cause of claimant's peripheral arterial disease of the left lower extremity.

Claimant appealed requesting that we review the record, particularly the medical evidence and find in his favor. Respondent (carrier) responds urging affirmance.

DECISION

Affirmed,

Claimant, a convenience store employee, sustained a compensable injury when a case of sodas fell striking his left foot. A few days later claimant's left foot and leg began to swell and turned black. Claimant saw Dr. C, who diagnosed claimant with peripheral vascular disease and referred claimant to Dr. H. It is relatively undisputed that claimant had peripheral vascular disease with the issue being whether the compensable injury was a producing cause of the peripheral vascular disease.

The medical evidence is in dispute. Dr. H is of the opinion that while claimant "has a pre-existing condition of peripheral arterial disease aggravated by his diabetes and smoking . . . . he was asymptomatic prior to the time of the injury," and that the compensable injury aggravated the underlying condition which became symptomatic.Dr. S, claimant's required medical examination doctor, testified and stated in a report stated, that the compensable injury had resolved and that the progression of claimant's condition is due to diabetes. Dr. S testified that the examination for the compensable injury only caused the peripheral vascular disease to be discovered and that the compensable injury did not aggravate, enhance, or worsen the peripheral vascular disease.

The medical evidence was in conflict and it is the hearing officer, as the sole judge to the weight and credibility of the evidence, to resolve those conflicts. 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). The hearing officer heard the evidence and reviewed the record to decide what facts had been established. We conclude that 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)

The hearing officer's decision and order are affirmed.

Thomas A. Knapp
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Susan M. Kelley
Appeals Judge