

APPEAL NO. 011679
FILED AUGUST 21, 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 (CCH) was held on May 7, 2001. With regard to the issue before her, the hearing officer determined that the compensable injury of _____, does extend to and include the ankles.

The appellant (carrier) appeals the hearing officer's determination, arguing that it is against the great weight and preponderance of the evidence. The respondent (claimant) urges affirmance of the hearing officer's determination.

DECISION

Affirmed.

The evidence sufficiently supports the hearing officer's determination that the claimant's compensable injury of _____, does extend to and include the ankles. The hearing officer determined by the claimant's testimony and the medical reports in evidence that the claimant "did sustain damage or harm to the physical structure of his ankles as a result of his compensable injury of _____."

This is an extent-of-injury case, and the Appeals Panel has held that the question of extent of injury is a question of fact for the hearing officer to resolve. Texas Workers' Compensation Commission Appeal No. 93613, decided August 24, 1993. There was conflicting medical evidence. Section 410.165(a) provides that the hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as of the weight and credibility that is to be given the evidence. It was for the hearing officer, as trier of fact, to resolve any inconsistencies and conflicts in the evidence. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). 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). Nothing in our review of the record indicates that the challenged determination is so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to disturb the hearing officer's determination on appeal. Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986); Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

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

Thomas A. Knapp
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Gary L. Kilgore
Appeals Judge