

APPEAL NO. 011767
FILED SEPTEMBER 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 July 9, 2001. She held that the respondent's (claimant) compensable injury of _____, included depression.

The appellant (self-insured) appeals, arguing that the hearing officer's determination is against the great weight and preponderance of the evidence and that expert medical evidence is needed to prove causation for depression. The claimant responds that the fact findings of the hearing officer are sufficiently supported in the record and should not be set aside by the Appeals Panel.

DECISION

We affirm the hearing officer's decision.

The hearing officer did not err in her resolution of conflicting evidence in finding that the claimant's injury extends to her depression. The accident involved a television set in a public area falling on the claimant's head and causing her to lose consciousness. The existence of a compensable injury was stipulated. First, we cannot agree with the argument that causation of depression from an injury and related pain is beyond common experience such that expert medical testimony is required to assist the hearing officer. In this case, there was medical evidence in favor of the claimant's condition of depression. There was no evidence of any preexisting depression, insomnia, or feelings of hopelessness. The site of the trauma and its immediate effects are not necessarily determinative of the nature and extent of the compensable injury. The full consequences of the original injury, along with the effect of its treatment, upon the health and body of the worker are to be considered in determining the extent of the injury. Western Casualty and Surety Company v. Gonzales, 518 S.W.2d 524 (Tex. 1975).

Second, it was for the hearing officer, as trier of fact, to resolve the inconsistencies and conflicts in the evidence. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701, 702 (Tex. Civ. App.-Amarillo 1974, no writ). This is equally true of medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286, 290 (Tex. App.-Houston [14th Dist.] 1984, no writ). The trier of fact may believe all, part, or none of the testimony of any witness. Taylor v. Lewis, 553 S.W.2d 153, 161 (Tex. Civ. App.-Amarillo 1977, writ ref'd n.r.e.). An appeals-level body is not a fact finder and does not normally pass upon the credibility of witnesses or substitute its own judgment for that of the trier of fact, even if the evidence would support a different result. National Union Fire Insurance Company of Pittsburgh, Pennsylvania v. Soto, 819 S.W.2d 619, 620 (Tex. App.-El Paso 1991, writ denied); American Motorists Insurance Co. v. Volentine, 867 S.W.2d 170 (Tex. App.-Beaumont 1993, no writ).

In considering all the evidence in the record, we cannot agree that the findings of the hearing officer are so against the great weight and preponderance of the evidence as to be manifestly wrong and unjust. In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951). We affirm the decision and order.

The true corporate name of the insurance carrier is **THE UNIVERSITY OF TEXAS SYSTEM** and the name and address of its registered agent for service of process is:

**JAVIER GARZA, BOX 46
THE UNIVERSITY OF TEXAS SYSTEM
SYSTEM PERSONNEL OFFICE
201 WEST SEVENTH STREET
AUSTIN, TEXAS 78701-2981.**

Susan M. Kelley
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Robert W. Potts
Appeals Judge