

APPEAL NO. 012037
FILED OCTOBER 4, 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 August 1, 2001. The hearing officer resolved the disputed issue by determining that the appellant's (claimant) compensable injury of _____, extended to and included her left hip and ankle, low back, and right shoulder but does not extend to or include the claimant's neck, abdomen, or bladder incontinence. The hearing officer's determinations on inclusion of the left hip and ankle, low back and right shoulder have not been appealed.

The claimant appeals the determinations regarding the neck, abdomen, and bladder incontinence principally attacking the integrity and veracity of the respondent (carrier), the carrier's attorney, and the carrier's doctor. The carrier responds, urging affirmance.

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable injury on _____; at issue is the extent of the injury. The claimant was employed as a security guard and late in the evening of _____ she slipped and fell on an embankment landing in "a split position," with her left leg behind her and her right leg in front of her, and hitting her right shoulder. The exact mechanics of the fall are in dispute. The claimant went to the emergency room (ER) on November 15, 1999. The ER report principally focuses on the left foot, ankle and hip. The claimant subsequently began treating with Dr. B, a chiropractor. When the claimant first saw Dr. B is somewhat unclear as discussed in the hearing officer's Statement of the Evidence, but it was apparently around November 19, 1999. Over the following 18 months, Dr. B referred the claimant to a number of specialists. The claimant continued to work her regular duties, although she testified that she was in great pain and had to use braces and crutches, until February 28, 2001, when Dr. B took her off work.

Regarding the bladder incontinence, the claimant testified that it began immediately after her fall, but the first mention of that problem is in an orthopedic surgeon's report of January 3, 2000, where that doctor said that the claimant "needs to see a gynecologist to have her bladder and pelvic pain evaluated" The claimant was referred to Dr. K, apparently a urologist. In a report dated February 22, 2000, Dr. K refers to a "bad fall in September." In a report of February 9, 2001, Dr. K states that the compensable fall "has caused [claimant's] current medical condition." The claimant was also examined by Dr. C, a Texas Workers' Compensation Commission-appointed required medical examination (RME) doctor, who said that he could not answer within reasonable medical probability that the claimant's bladder disorder is causally related to her workers' compensation claim. Dr.

P, the carrier's RME doctor, is of the opinion that only the claimant's "left ankle and/or hip" are related to the compensable fall, based on the ER report.

As the hearing officer comments:

In summary, the medical evidence is inconsistent, reflecting inconsistency in what Claimant told the various doctors at various times. She testified she had urinary incontinence right after she fell, but the first mention of this problem in the medical appears in [Dr. E] report of January 3, 2000. In his report of December 7, 1999, [Dr. E] states that Claimant had "multiple injury and complex pain syndrome. The exact etiology unknown, possibly worsened by diabetic neuropathy". Claimant's description of her fall is not consistent with all of the injuries she later claimed to have sustained in the fall. Claimant was not entirely credible, and most of the medical opinions in the record are based at least in part on Claimant's statements to the doctors.

The hearing officer judged the credibility of this evidence and determined what weight to give to the medical reports in this case. Extent of injury is a fact question for the hearing officer. Texas Workers' Compensation Commission Appeal No. 001909, decided September 27, 2000. The hearing officer could decide to believe all, none, or any part of the evidence. After reviewing the evidence, we conclude that the hearing officer's determination regarding extent of injury is not so against the great weight and preponderance of the evidence as to be wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **RELIANCE NATIONAL INDEMNITY COMPANY** and the name and address of its registered agent for service of process is

**TIMOTHY J. McGUIRE
633 NORTH STATE HIGHWAY 161, SUITE 200
IRVING, TEXAS 75038.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Michael B. McShane
Appeals Judge