

APPEAL NO. 012179  
FILED OCTOBER 23, 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 27, 2001. With regard to the only issue before her, the hearing officer determined that the respondent (claimant) sustained a compensable back injury, including aggravation to the synovial cyst at L5-S1.

The appellant (carrier) appealed, emphasizing a time line that the claimant's first complaint of a back injury was over two months after the compensable injury and that the medical reports that support the claimant's claimed injury are based on an inaccurate history. The claimant responds, urging affirmance.

DECISION

Affirmed.

The claimant was employed as a laborer and testified that on \_\_\_\_\_, it had been raining, the ground was wet, and he slipped and twisted while carrying some heavy pipe. The mechanics of the slip are in dispute. The parties stipulated that the claimant sustained a compensable injury on \_\_\_\_\_. The carrier has accepted a left ankle injury. At issue is whether that injury included a low back injury and aggravation of the synovial cyst.

The claimant has seen a number of doctors. He was seen for a month (February 22 through March 22, 2000) at a clinic to which he was referred by the employer. The clinic notes only deal with a left leg and ankle injury. Records after April 12, 2000, reference the claimant's low back problems. The claimant contends that nearly all of the doctors, including a carrier-required medical examination doctor and a designated doctor, agree that the compensable slip caused or aggravated the claimant's back condition. The carrier argues that subsequent medical reports which state that the low back and synovial cyst aggravation are related to the compensable slip are based on an inaccurate history. The hearing officer comments that there "are some inconsistencies in the Claimant's description of the pain onset at the time of injury, but the basic mechanism of the injury is consistent."

Whether a particular injury extends to or includes a certain member of the claimant's body is a factual issue for the hearing officer to decide. There was conflicting medical evidence submitted on the disputed issue. 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 the weight and credibility that is to be given the evidence. 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 (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). The trier of fact may believe all, part, or none of the testimony of any witness. Aetna Insurance Company v. English, 204 S.W.2d 850 (Tex. Civ. App.-Fort Worth 1947, 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. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **TRANSPORTATION INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION  
350 N. ST. PAUL  
DALLAS, TEXAS 75201.**

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Philip F. O'Neill  
Appeals Judge