

APPEAL NO. 012225
FILED OCTOBER 30, 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 21, 2001. With respect to the issues before her, the hearing officer resolved that the respondent's (claimant) compensable injury of _____, included postconcussion syndrome causing memory loss and seizures. In its appeal, the appellant (carrier) argues that the hearing officer's decision was based on medical evidence which was based on "faulty" information and that the decision should be reversed on sufficiency grounds. The claimant responds, urging affirmance.

DECISION

Affirmed.

The claimant was employed at a delicatessen and on _____, sustained a compensable injury when she slipped and fell backward, hitting her head and elbow on the floor. The issue was whether the compensable injury included postconcussion syndrome causing memory loss and seizures.

There was sufficient evidence in the record to support the hearing officer's determination that the claimant's compensable injury on _____, included postconcussion syndrome causing memory loss and seizures. The claimant testified that her symptoms of memory loss and seizures were not present before _____. The claimant's treating doctor, Dr. M, a chiropractor, and her neurologist, Dr. G, agreed that the claimant's symptoms were as a result of her injury. The carrier introduced the records from its required medical examination doctor, Dr. H. Dr. H opined that while the claimant's symptoms may be a result of her preexisting panic disorder, they could possibly be the result of the closed head injury she sustained on _____.

Whether the claimant's compensable injury extended to and included postconcussion syndrome, causing memory loss and seizures, was 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 of 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.

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

The true corporate name of the self-insured is **ONE BEACON INSURANCE COMPANY** and the address of its registered agent for service of process is:

**C.J. FIELDS
5910 N. CENTRAL EXPRESSWAY
DALLAS, TEXAS 75206.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Robert W. Potts
Appeals Judge