

APPEAL NO. 020723
FILED MAY 7, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). Following a contested case hearing held on February 19, 2002, the hearing officer concluded that the respondent's (claimant) compensable injury of _____, includes a psychological component. The appellant (carrier) contends in its appeal that the hearing officer's decision fails to even mention the carrier's witnesses; makes no mention of the carrier's expert evidence and ignores it; and that the hearing officer gives no rationale for deciding the way she did. The claimant's response urges the sufficiency of the evidence to support the challenged finding.

DECISION

Affirmed.

The claimant, a 32-year employee of the employer, testified that on _____, a freight elevator door came down and struck him on the head, knocking him flat on his back; that he was treated at an emergency room, and later by several doctors, for head and neck injuries and post-concussion syndrome; that he has severe headaches, has problems with his sense of direction, does not socialize and enjoy various activities as he did before the injury, cannot get along with people, and has crying spells; and that he retired from his employment. The medical evidence, which includes the opinions of doctors who have treated or examined the claimant and doctors who have reviewed the medical records for the carrier, is in substantial conflict concerning whether the claimant is suffering from major depression or is malingering and, if he has depression, whether it was caused by his injury or by other stressors in his life. The opinions range from feeling that the claimant is malingering to feeling that the claimant is on the verge of a gross psychosis.

Whether the claimant's compensable injury of _____, which was stipulated, includes a psychological component presented the hearing officer with a question of fact to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). The Appeals Panel, an appellate reviewing tribunal, will not disturb the challenged factual finding of a hearing officer unless it is so against the great weight and preponderance of the evidence as to be clearly wrong, and we do not find it so in this case. In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951); Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). The hearing officer's decision lists the carrier's witnesses. Although the statement of the evidence does not refer to the testimony of these witnesses, the hearing officer does state that she considered all the evidence. Further, the hearing officer is not obliged to recite any of the evidence. Section 410.168.

The decision and order of the hearing officer are affirmed.

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

**ROBIN M. MOUNTAIN
6600 CAMPUS CIRCLE DRIVE EAST
IRVING, TEXAS 75063.**

Philip F. O'Neill
Appeals Judge

CONCUR:

Michael B. McShane
Appeals Judge

Roy L. Warren
Appeals Judge