APPEAL NO. 022019
FILED SEPTEMBER 9, 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 June 28, 2002, the hearing officer concluded that the appellant's (claimant) injury of _____, is limited to a muscular groin injury and that his disability started on December 10, 2001, and ended on May 14, 2002. The claimant specifically appeals the extent-of-injury determination, contending that his preexisting hip condition was aggravated by his compensable injury. He also asserts that he "continues to suffer from disability." The respondent (carrier) urges in response the sufficiency of the evidence support the decision.

DECISION

Affirmed.

The claimant testified that on _____, while performing his duties servicing oil wells, he slipped on a rock and fell to the ground with his legs in a split position; that he felt immediate severe pain in his left leg as well as pain in both hips and went to a hospital where he was treated and released. The parties stipulated that the respondent (carrier) accepted a left groin injury. The hospital records of _____, reflect that the claimant reported that he did "the splits" and complained of pain on the inside of both thighs and that x-rays disclosed moderately severe osteoarthritis in both hips. The following day, the claimant's first treating doctor diagnosed bilateral adductor muscle strain. The claimant contends that his medical evidence established that the preexisting osteoarthritic condition in his hips was aggravated by the fall and complains that the hearing officer failed to make a specific finding of fact addressing the "aggravation" theory of compensability. However, the claimant argued this theory at the hearing and the record contains no basis for us to find that the hearing officer failed to consider this theory. The medical evidence was in conflict on this issue and it is the hearing officer who is the sole judge of the weight and credibility of the evidence (Section 410.165(a) and who, 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)). While another fact finder may have drawn different inferences from the evidence as to whether or not the claimant's preexisting osteoarthritis in his hips was aggravated by his fall, this does not afford us a basis to reverse the hearing officer's determination. We do not find the hearing officer's determination that the claimant's compensable injury does not extend to and include his hips as being so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951).

As for the hearing officer's terminating the period of disability on May 14, 2002, the hearing officer could consider that the claimant, whose regular duties were driving a truck to oil wells and servicing them, was released for return to work in _____, by his first treating doctor with the sole restriction of being careful with climbing; that the claimant then returned to light-duty work for the employer driving a forklift; that in October 2001, a referral orthopedic surgeon returned the claimant to work without restrictions; and that in November 2001, the claimant changed treating doctors and his new treating doctor, a chiropractor, took him off work altogether. That doctor then released the claimant to work with restrictions as of May 6, 2002, and then signed a slip on June 18, 2002, taking the claimant off work due to "hip pain." The claimant explained that the medications he was taking for his pain caused drowsiness. The carrier contended that the claimant had recovered from, the groin injury, that his current treating doctor's report taking the claimant off work lacked credibility, and that the claimant had essentially just decided not to continue working for the employer. We cannot say that this determination is against the great weight of the evidence. Cain, *supra*; King *supra*.

The decision and order of the hearing officer are affirmed.

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

PARKER W. RUSH
1445 ROSS AVENUE, SUITE 420
DALLAS, TEXAS 75202-2812.

_____
Philip F. O'Neill
Appeals Judge

CONCUR:

_____
Veronica Lopez
Appeals Judge

_____
Michael B. McShane
Appeals Judge