

APPEAL NO. 030738  
FILED MAY 15, 2003

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 February 24, 2003. The hearing officer resolved the disputed issues by deciding that the compensable injury of \_\_\_\_\_, extends to and includes a psychological injury. The appellant (self-insured) appealed, arguing that the hearing officer applied an incorrect standard of proof and that the evidence was wholly insufficient to trace the psychological injury to the compensable injury of \_\_\_\_\_. The respondent (claimant) responded, urging affirmance.

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable injury on \_\_\_\_\_. The sole issue before the hearing officer was extent of injury.

The Appeals Panel observed in Texas Workers' Compensation Commission Appeal No. 961449, decided September 9, 1996, that the fact that there may be more than one cause of the claimant's psychological condition does not preclude a finding of compensability, provided that there is a causal connection between the compensable injury and the claimant's psychological problems. *Compare* Texas Workers' Compensation Commission Appeal No. 950749 decided June 21, 1995, (protracted dispute resolution process does not make resultant stress part of the compensable injury). The causal connection here is met by the fact that the injury resulted in chronic pain and loss of function that the hearing officer expressly found to be noted by Dr. B and Dr. S to be a cause of the claimant's depression.

The hearing officer specifically found that the claimant's depression was a natural result of the compensable injury suffered on \_\_\_\_\_. The carrier argues that "the hearing officer failed to determine that the depression resulted from the injury itself versus the circumstances arising out of and immediately following her injury, which appears to be the natural result standard, which is improper." It would seem more appropriate that a hearing officer's finding resolving an extent-of-injury issue be phrased in terms of whether the diagnosed condition either is or is not part of the compensable injury. Texas Worker's Compensation Commission Appeal No. 971307, decided August 28, 1997. However, we cannot agree that the hearing officer's specific finding in this regard is evidence that the hearing officer applied an incorrect standard of proof.

Extent of injury is a question of fact for the hearing officer. Texas Workers' Compensation Commission Appeal No. 93613, decided August 24, 1993. There was conflicting evidence on this 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. It

was for the hearing officer, as trier of fact, to resolve the inconsistencies and conflicts in the evidence and determine what facts have been established. 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). We will reverse a factual determination of a hearing officer only if that determination is so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986). Applying this standard of review to the record of this case, we decline to substitute our opinion for that of the hearing officer.

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **STATE OFFICE OF RISK MANAGEMENT (a self-insured governmental entity)** and the name and address of its registered agent for service of process is

For service in person the address is:

**RON JOSSELET, EXECUTIVE DIRECTOR  
STATE OFFICE OF RISK MANAGEMENT  
300 W. 15TH STREET  
WILLIAM P. CLEMENTS, JR. STATE OFFICE BUILDING, 6TH FLOOR  
AUSTIN, TEXAS 78701.**

For service by mail the address is:

**RON JOSSELET, EXECUTIVE DIRECTOR  
STATE OFFICE OF RISK MANAGEMENT  
P.O. BOX 13777  
AUSTIN, TEXAS 78711-3777.**

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Margaret L. Turner  
Appeals Judge

CONCUR:

\_\_\_\_\_  
Elaine M. Chaney  
Appeals Judge

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Veronica Lopez  
Appeals Judge