

APPEAL NO. 031006
FILED JUNE 10, 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 April 9, 2003. The hearing officer resolved the disputed issue by deciding that the respondent's (claimant) compensable injury of _____, includes injury to the left side of the claimant's pelvis and her left sacral area, more specifically, fractures to the left superior and inferior pubic rami and to the left hemisacrum, in addition to the lumbar area. The appellant (carrier) appeals, arguing that the determinations of the hearing officer are not supported by the credible evidence admitted at the hearing. The appeal file does not contain a response from the claimant.

DECISION

Affirmed.

It is undisputed that the claimant sustained a compensable injury on _____, when she suffered a fall at work. The carrier accepted a low back injury. The claimant testified that when she fell, she landed on her left hip causing the injuries which form the basis of this claim. It is undisputed that the claimant had undergone lumbar spinal surgery on July 27, 1999, for a nonwork-related condition; that at the time of the _____, fall, she was still actively receiving follow-up care as a result of the surgery; and that she had complaints of pain in her low back and left hip prior to the date of the compensable injury. The claimant testified that after the _____, fall, the pain she was experiencing in her low back and left hip was different and more severe and that she also developed pain in her left groin area.

The hearing officer did not err in determining that the claimant's compensable injury includes the above-mentioned body parts. Extent of injury is a question of fact for the hearing officer. Texas Workers' Compensation Commission Appeal No. 93613, decided August 24, 1993. In the present case, the hearing officer relied on the medical evidence and testimony offered by the claimant. Although the carrier presented evidence to the contrary and pointed out inconsistencies in some of the claimant's medical documentation, 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, 702 (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, 290 (Tex. App.-Houston [14th Dist.] 1984, no writ). The hearing officer may believe all, part, or none of the testimony of any witness and is the sole judge of the weight and credibility to be given to the evidence. We conclude that the hearing officer's findings of fact in this regard are supported by sufficient evidence and are not 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 (Tex. 1986).

We affirm the decision and order of the hearing officer.

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

**MR. RUSSELL R. OLIVER, PRESIDENT
221 WEST 6TH STREET
AUSTIN, TEXAS 78701.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Michael B. McShane
Appeals Panel
Manager/Judge

Edward Vilano
Appeals Judge