

APPEAL NO. 031534
FILED JULY 21, 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 May 14, 2003. The hearing officer determined that (1) the compensable injury sustained on _____, does not extend to or include injuries to the right knee and bilateral ankles; and (2) the appellant (claimant) does not have disability. The claimant appeals these determinations on sufficiency of the evidence grounds. The respondent (carrier) urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in reaching the complained-of determinations. The determinations involved questions of fact for the hearing officer 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 hearing officer considered the evidence and determined that the compensable left knee injury did not cause the claimant to fall and sustain the additional claimed injuries. Additionally, we note that the Appeals Panel has rejected the concept, put forth by the claimant, that brings within the ambit of compensability every consequence that arguably may not have occurred "but for" the original compensable injury and has said that, though an injury may affect a person's resistance, it will not mean that a subsequent injury outside the workplace is compensable. See Texas Workers' Compensation Commission Appeal No. 950524, decided May 19, 1995. With regard to disability, the hearing officer could disbelieve the claimant's testimony and find, based on the claimant's release to full-duty work, that she did not have disability for the period asserted. Accordingly, we cannot conclude that the hearing officer's determinations are 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).

The decision and order of the hearing officer are affirmed.

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

Edward Vilano
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Chris Cowan
Appeals Judge