

APPEAL NO. 032153
FILED OCTOBER 7, 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 July 18, 2003. The hearing officer determined that the respondent's (claimant) _____, compensable injury extends to and includes an injury in the form of a left inguinal hernia, and that the claimant had disability from April 4 through April 27, 2003. The appellant (self-insured) appeals these determinations. The appeal file contains no response from the claimant.

DECISION

Affirmed.

Extent of injury and disability were factual questions for the hearing offer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and 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)). It was the hearing officer's prerogative to believe all, part, or none of the testimony of any witness, including that of the claimant. Aetna Insurance Company v. English, 204 S.W.2d 850 (Tex. Civ. App.-Fort Worth 1947, no writ). Nothing in our review of the record demonstrates that the challenged determinations are so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to disturb the hearing officer's decision on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986)

The self-insured argues that there is insufficient medical evidence connecting the hernia to the injury that occurred on _____. Generally, corroboration of an injury is not required and may be found based upon a claimant's testimony alone. Gee v. Liberty Mutual Fire Insurance Co., 765 S.W.2d 394 (Tex. 1989). Lay testimony is sufficient to establish causation where, based upon common knowledge, a fact finder could understand a causal connection between the employment and the injury, but expert testimony may be required where such common knowledge does not exist. Texas Workers' Compensation Commission Appeal No. 941464, decided January 9, 1995. However, the claimant testified that he did not have pain in the affected area prior to the date of injury. Furthermore, it is not beyond common knowledge that the mechanism of injury could result in a hernia. For these reasons, we do not agree that the hearing officer was precluded from finding for the claimant on the extent-of-injury issue due to insufficient expert medical evidence explaining causation.

The hearing officer's decision and order are affirmed.

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

**CITY SECRETARY
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Chris Cowan
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Gary L. Kilgore
Appeals Judge