

APPEAL NO. 032774
FILED DECEMBER 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 September 18, 2003. The hearing officer resolved the disputed issue by deciding that the respondent's (claimant) compensable injury of _____, extends to and includes injuries to her cervical spine. The appellant (carrier) appealed the hearing officer's extent-of-injury determination based on sufficiency of the evidence grounds. The claimant responded, urging affirmance.

DECISION

Affirmed.

The issue of whether the claimant's compensable injury of _____, extends to and includes injuries to the cervical spine presented a question of fact for the hearing officer to resolve. 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 as well as of the weight and credibility that is to be given to the evidence. 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). The carrier argues that expert testimony was necessary in this case to support the claimant's contention that she injured her neck in the original accident. The claimant testified that on _____, she fell from the top step of a step-ladder. The Appeals Panel has held that "injury may be proven by the testimony of the claimant alone, and medical or expert evidence is not required to establish that particular conduct resulted in the claimed injury, except in those cases where the subject is so technical in nature that a fact finder lacks the ability from common experience and knowledge to find a causal connection as a matter of reasonable medical probability." See Texas Workers' Compensation Commission Appeal No. 93560, decided on August 19, 1993. The hearing officer was persuaded by the claimant's testimony and medical evidence that the claimant's compensable injury extends to and includes injuries to the cervical spine. Nothing in our review of the record indicates that the challenged determination is so against the great weight of the evidence as to be clearly wrong or manifestly 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 **ZURICH AMERICAN INSURANCE COMPANY** and the name and address of its registered agent for service of process is

GARY SUDOL
9330 LBJ FREEWAY, SUITE 1200
DALLAS, TEXAS 75243.

Margaret L. Turner
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Gary L. Kilgore
Appeals Judge