

APPEAL NO. 033361
FILED FEBRUARY 12, 2004

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 December 3, 2003. With respect to the issues before him, the hearing officer determined that the respondent's (claimant) compensable injury of _____, "includes the aggravation of the claimant's pre-existing depression and anxiety disorders, an aggravation which has been diagnosed as Post Traumatic Stress Disorder [PTSD]"; and that the claimant had disability from the compensable injury from March 25 to August 12, 2002, and from December 11, 2002, through the date of the hearing. In its appeal, the appellant (self-insured) challenges those determinations as being against the great weight of the evidence. In his response to the self-insured's appeal, the claimant urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant's compensable injury includes the aggravation of his pre-existing depression and anxiety disorder, which has been diagnosed as PTSD. That issue presented a question 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). As the trier of fact, the hearing officer resolves the conflicts and inconsistencies in the evidence and decides what facts the evidence has established. Texas Employers Ins. Ass'n v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). The hearing officer was persuaded by the claimant's testimony and the causation opinions from Dr. R, a psychiatrist, and Dr. P, Ph.D., that the claimant sustained his burden of proving the causal connection between the diagnosed PTSD and his _____, compensable injury. Nothing in our review of the record reveals that the hearing officer's determination in that regard is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to reverse the challenged determination on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The success of the self-insured's challenge to the hearing officer's disability determination is premised upon the success of its argument that the compensable injury does not extend to PTSD. Given our affirmance of the hearing officer's extent-of-injury determination, we likewise affirm the determination that the claimant had disability, as a result of the compensable injury, from March 25 to August 12, 2002, and from December 11, 2002, through the date of the hearing.

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

**HUMAN RESOURCES DIRECTOR
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Elaine M. Chaney
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Edward Vilano
Appeals Judge