

APPEAL NO. 041743  
FILED SEPTEMBER 7, 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 June 4, 2004. With respect to the single issue before him, the hearing officer determined that the appellant's (claimant) compensable injury of \_\_\_\_\_, does not extend to include major depression, anxiety, and behavioral disorder. In his appeal, the claimant argues that the hearing officer's determination in that regard is against the great weight of the evidence. In its response to the claimant's appeal, the respondent (carrier) urges affirmance.

DECISION

Affirmed.

The hearing officer did not err determining that the claimant's compensable injury does not include depression, anxiety, and behavioral disorder. Depression is compensable if it is the "result of the injury" as opposed to being traceable to the "circumstances arising out of and immediately following the injury." Texas Workers' Compensation Commission Appeal No. 961449, decided September 9, 1996. Where it is determined that depression naturally flowed from the pain and physical limitations caused by the compensable injury, it is compensable; however, depression resulting from the stress of the workers' compensation "system" or financial difficulties is not compensable. See Texas Workers' Compensation Commission Appeal No. 030056, decided February 12, 2003, and cases cited therein. The claimant had the burden of proof on the extent-of-injury issue and it presented a question of fact for the hearing officer. The hearing officer is the sole judge of the weight and credibility to be given to the evidence. Section 410.165(a). As such, the hearing officer was required to resolve the conflicts and inconsistencies in the evidence and to determine what facts the evidence established. In this instance, the hearing officer simply was not persuaded that the claimant sustained his burden of proving the causal connection between his compensable injury and the alleged psychological conditions. The hearing officer was acting within his province as the finder of fact in so finding. Nothing in our review of the record reveals that the challenged determination is so contrary to the overwhelming weight of the evidence as to be clearly wrong or unjust. Thus, no sound basis exists for us to disturb that determination on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **STATE FARM FIRE AND CASUALTY COMPANY** and the name and address of its registered agent for service of process is

**JERRY B. JENSEN  
8900 AMBERGLEN BOULEVARD  
AUSTIN, TEXAS 78729-1110.**

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Elaine M. Chaney  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Chris Cowan  
Appeals Judge