APPEAL NO. 002829

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). On November 13, 2000, a hearing was held. The hearing officer decided that the appellant's (claimant) carpal tunnel syndrome (CTS) is not a result of her compensable injury of _____, and that the claimant did not have disability resulting from the _____, compensable injury. The claimant appealed, asserting that the hearing officer's decision was against the great weight of the evidence and requesting that we reverse the hearing officer's decision and render a new decision in her favor. The respondent (self-insured) responded, urging that the hearing officer's decision and order be affirmed.

DECISION

Affirmed.

The claimant was employed by the self-insured as a bus driver. On _____, the bus driven by the claimant was struck in the right rear door by a car which was making a right-hand turn. As a result of the accident, the claimant alleged injuries to her neck, shoulders, and back which were accepted by the self-insured. In late January 2000, the claimant asserted that she also had a bilateral CTS injury as a result of the _____, motor vehicle accident (MVA) and had additional disability resulting from the injuries sustained in the MVA from January 20, 2000, through February 7, 2000, and again from April 7, 2000, through the date of the hearing.

The hearing officer reviewed the evidence and determined that the claimant had not established that the alleged CTS was a result of the MVA in _____. The hearing officer further found that the claimant's inability to obtain and retain employment during the periods she alleged she had disability was not a result of the compensable injury of _____. The medical evidence was conflicting. The hearing officer is the trier of fact and is the sole judge of the relevance and materiality of the evidence and of the weight and credibility to be given to the evidence. Section 410.165(a). The trier of fact may believe all, part, or none of any witness's testimony. Taylor v. Lewis, 553 S.W.2d 153 (Tex. Civ. App.-Amarillo 1977, writ ref'd n.r.e.); Texas Workers' Compensation Commission Appeal No. 93426, decided July 5, 1993. This is equally true regarding medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). An appeals-level body is not a fact finder, and it does not normally pass upon the credibility of witnesses or substitute its own judgement for that of the trier of fact even if the evidence could support a different result. National Union Fire Insurance Company of Pittsburgh, Pennsylvania v. Soto, 819 S.W.2d 619, 620 (Tex. App.-El Paso 1991, writ denied). Only were we to conclude, which we do not in this case, that the hearing officer's determinations were so against the great weight and preponderance of the evidence as to be manifestly unjust would there be a sound basis to disturb those determinations. In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951); Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

Kenneth A. Huchton
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Robert W. Potts
Appeals Judge