

APPEAL NO. 010962
FILED JUNE 6, 2001

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on March 30, 2001. The hearing officer determined that the respondent (claimant) sustained a compensable injury on _____, and that the claimant had disability from September 21, 2000, continuing through the date of the CCH. The appellant (self-insured) has appealed on sufficiency of the evidence grounds. The claimant has responded, and urges that the hearing officer's decision and order be affirmed.

DECISION

Affirmed.

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 the weight and credibility that is to be given the evidence. It was for the hearing officer, as trier of fact, to resolve the inconsistencies and conflicts in the evidence. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). 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). The trier of fact may believe all, part, or none of the testimony of any witness. Aetna Insurance Company v. English, 204 S.W.2d 850 (Tex. Civ. App.-Fort Worth 1947, no writ). This was a case where the self-insured argued that the claimant was not a credible witness and that the medical evidence did not show an injury. The hearing officer determined, however, from the conflicting evidence that the claimant met her burden of proving by a preponderance of the evidence, that she had sustained a compensable injury and that she had disability as a result of her compensable injury. The hearing officer's determination on the issues was not so against the great weight and preponderance 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.

Michael B. McShane
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Gary L. Kilgore
Appeals Judge