APPEAL NO. 011148
FILED JUNE 27, 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 was held on May 7, 2001. The hearing officer determined that the appellant's (claimant) right elbow injury did not extend to right carpal tunnel syndrome, anxiety, distress, and confusion, or to her cervical and thoracic spine.

The claimant has appealed and states that she feels that she proved a causal connection of these regions to her original injury. The respondent (carrier) responds that the hearing officer's decision is sufficiently supported by the evidence.

DECISION

Affirmed.

The hearing officer did not err in finding that the claimant's injury did not extend beyond the undisputed right elbow injury. The claimant injured her right elbow on _____, while lifting a bundle of pants. She had surgery in February 1998. The claimant testified generally that it was some time after (and because of) her surgery that she began to have back and neck pain. Although not specific as to when the pain began, she said that she did not dispute her treating doctor's impairment rating that was certified on November 4, 1998, because her back was not bothering her at that time.

The evidence presented a conflict for the hearing officer to resolve as the sole judge of the weight and credibility of 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, 702 (Tex. Civ. App.-Amarillo 1974, no writ). This is equally true of medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286, 290 (Tex. App.-Houston [14th Dist.] 1984, no writ).

The trier of fact may believe all, part, or none of the testimony of any witness. Taylor v. Lewis, 553 S.W.2d 153, 161 (Tex. Civ. App.-Amarillo 1977, writ ref'd n.r.e.). An appeals-level body is not a fact finder and does not normally pass upon the credibility of witnesses or substitute its own judgment for that of the trier of fact, even if the evidence would 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); American Motorists Insurance Co. v. Volentine, 867 S.W.2d 170 (Tex. App.-Beaumont 1993, no writ).

In considering all the evidence in the record, we cannot agree that the findings of the hearing officer are so against the great weight and preponderance of the evidence as

to be manifestly wrong and unjust. In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951). We accordingly affirm the decision and order.

Susan M. Kelley
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Philip F. O'Neill
Appeals Judge