

APPEAL NO. 011368
FILED JULY 23, 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 April 13, 2001. The hearing officer decided the sole disputed issue by determining that the appellant's (claimant) compensable injury does not extend to and include the cervical area, low back area, and carpal tunnel syndrome in the right wrist. The claimant appealed on sufficiency of the evidence grounds, and the respondent (carrier) submitted a response, urging that the determinations of the hearing officer be affirmed.

DECISION

Affirmed.

Whether a compensable injury extends to and includes a particular body part is a question of fact for the hearing officer to decide. The hearing officer found no causal connection between the claimant's compensable injury and the alleged cervical and low back problems, and the alleged carpal tunnel syndrome in the right wrist. He further noted that there was an "absence of objective findings" for the alleged injuries. 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). We will reverse a factual determination of a hearing officer only if that determination is so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Pool v. Ford Motor Company, 715 S.W.2d 629, 635

(Tex. 1986). Applying this standard of review to the record of this case, we decline to substitute our opinion of the evidence for that of the hearing officer.

Michael B. McShane
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Robert W. Potts
Appeals Judge