APPEAL NO. 011754
FILED AUGUST 20, 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 June 28, 2001, with the record closing on July 2, 2001. The hearing officer resolved the disputed issues by determining that the appellant's (claimant) compensable injury of _____, does not extend to an injury to the cervical spine; that the claimant reached maximum medical improvement (MMI) on March 28, 2000; that the claimant's impairment rating (IR) is 13%; and that the designated doctor's report is entitled to presumptive weight. The claimant appealed and the respondent (carrier) responded, urging affirmance.

DECISION

Affirmed.

Conflicting evidence was presented on the issue of extent of injury. We have held that the question of extent of injury is a question of fact for the hearing officer to resolve. Texas Workers' Compensation Commission Appeal No. 93613, decided August 24, 1993. 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). When reviewing a hearing officer's decision for factual sufficiency of the evidence, we should reverse such decision only if it is so contrary to the great weight and preponderance of the evidence as to be clearly wrong and manifestly 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). Nothing in our review of the record indicates that the hearing officer's determination on the issue of extent of injury is so against the great weight of the evidence as to be clearly wrong and manifestly unjust.

We have long recognized that a designated doctor may amend a certification of MMI and IR if he does so for a proper purpose and within a reasonable time. Texas Workers' Compensation Commission Appeal No. 000138, decided March 8, 2000; Texas Workers' Compensation Commission Appeal No. 972233, decided December 12, 1997. There is no dispute over the timeliness of the amendment. There is also no dispute that the designated doctor's amended report was made in compliance with the Guides to the Evaluation of Permanent Impairment, third edition, second printing, dated February 1989, published by the American Medical Association. The hearing officer did not err in determining that the designated doctor properly amended his first certification of IR after

receiving a letter of clarification excluding the cervical spine, nor did she err in giving the amended report presumptive weight pursuant to Section 408.125(e).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **(company)** and the name and address of its registered agent for service of process is

(corporation), (address).

Michael B. McShane
Appeals Judge

CONCUR:

Philip F. O'Neill
Appeals Judge

Robert W. Potts
Appeals Judge