

APPEAL NO. 011874  
FILED OCTOBER 1, 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 July 23, 2001. He determined that the respondent/cross-appellant (claimant) sustained an injury to her thumb on \_\_\_\_\_, in the course and scope of her employment with (employer) but did not have disability.

The appellant/cross-respondent (carrier) has appealed the holding that the claimant had an injury, and points to the fact that she had been a hairdresser for 12 years prior to, and throughout, her employment with the employer. The claimant responds that this decision is correct. There is a response filed by the carrier to an appeal filed by the claimant concerning the "no disability" finding, but there is no copy of this appeal in the file nor a record of it being received at the Texas Workers' Compensation Commission.

DECISION

We affirm the hearing officer's decision.

The hearing officer did not err in finding that the claimant had a specific injury to her thumb but no resulting disability. There was conflicting evidence, but essentially support for his belief that, while thumbing through papers for the employer caused injury, the claimant's continued ability to perform work with her hands at her hairdressing job, even if hours were somewhat lower, was evidence that the thumb did not cause an inability to obtain and retain her employment for her employer.

The hearing officer is the sole judge of the relevance, materiality, weight, and credibility of the evidence presented at the hearing. Section 410.165(a). The decision should not be set aside because different inferences and conclusions may be drawn upon review, even when the record contains evidence that would lend itself to different inferences. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, 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).

The decision of the hearing officer will be set aside only if the evidence supporting the hearing officer's determination is so weak or against the overwhelming weight of the evidence as to be clearly wrong or manifestly unjust. Atlantic Mutual Insurance Company v. Middleman, 661 S.W.2d 182 (Tex. App.-San Antonio 1983, writ

ref'd n.r.e.). We cannot agree that this is the case here, and affirm the decision and order.

The true corporate name of the insurance carrier is **INNOVATIVE RISK MANAGEMENT** and the name and address of its registered agent for service of process is

**STUART R. STAGNER  
1001 SE LOOP 323, SUITE 150  
TYLER, TEXAS 75713.**

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Susan M. Kelley  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Robert E. Lang  
Appeals Panel  
Manager/Judge