APPEAL NO. 012041
FILED OCTOBER 8, 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 August 1, 2001. The hearing officer determined that the appellant (claimant) did not injure her hand on _____, either through repetitive trauma or a specific fall. He further held that no compensable injury resulted in any loss of capacity to earn wages and she therefore did not have disability.

The claimant appeals, arguing that a witness against her was shown to be untruthful, and that she otherwise proved her injury. The respondent (carrier) responds that the fact determinations of the hearing officer are supported by the record.

DECISION

We affirm the hearing officer's decision.

The hearing officer did not err in holding that the claimant did not sustain a compensable injury or have disability therefrom. The claimant contended she had two injuries that occurred on _____. She said first that her hand began to hurt that day after several hours of her work on an assembly line for the employer. When she reported the injury, she was given some paperwork and asserted that she sat down on a chair that was not level and that she thought was broken, in order to review her paperwork. At that time, she had an unwitnessed fall from the chair onto her buttocks and heel of her right hand. She did not report this accident right away. Contrary evidence was offered as to whether her job was repetitive and would cause such injury, and concerning whether she had been asking coworkers before the date of the injury what workers' compensation paid.

The hearing officer is the sole judge of the relevance, the 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).

It was for the hearing officer, as trier of fact, to resolve the inconsistencies and conflicts in the evidence. Garza *supra*. 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 affirm his decision and order.

The insurance carrier's true corporate name is **INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA.** The name and address of its registered agent for service of process is

CORPORATION SERVICE COMPANY
800 BRAZOS, SUITE 750, COMMODORE 1
AUSTIN, TEXAS 78701

Susan M. Kelley
Appeals Judge

CONCUR:

Robert E. Lang
Appeals Panel
Manager/Judge

Michael B. McShane
Appeals Judge