APPEAL NO. 012100
FILED OCTOBER 17, 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 7, 2001. With regard to the only issue before him, the hearing officer determined that the appellant's (claimant) compensable (low back) injury does not extend to and include the cervical spine.

The claimant appeals, citing evidence which would lead to a different conclusion. The file does not contain a response from the respondent (carrier).

DECISION

Affirmed.

The claimant was employed as a repair technician and was involved in a motor vehicle accident in the course and scope of his employment on _____. The carrier accepted, and the parties stipulated, that the claimant sustained a compensable low back injury in that accident. At issue is whether the claimant also sustained a cervical or neck injury in that accident. Some of the earlier medical reports did reference a cervical injury, but other later reports did not. The claimant agreed that his low back injury bothered him more than the alleged neck injury. Eventually, a designated doctor was appointed who was of the opinion that the cervical complaints were not part of the compensable injury. (The designated doctor's report did not have presumptive weight regarding extent of the injury.)

The hearing officer summarized the evidence in some detail. Whether a particular injury extends to or includes a certain member of the claimant's body is a factual issue for the hearing officer to decide. There was conflicting medical evidence submitted on the disputed issue. 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 of the weight and credibility 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). Nothing in our review of the record indicates that the challenged determination is so against the great weight of the evidence as to be clearly wrong or manifestly unjust.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **LIBERTY MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

CT CORPORATION SYSTEMS
350 N. ST. PAUL, SUITE 2900
DALLAS, TEXAS 75201.

Thomas A. Knapp
Appeals Judge

CONCUR:

Michael B. McShane
Appeals Judge

Philip F. O'Neill
Appeals Judge