

APPEAL NO. 012226
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 September 6, 2001. With respect to the sole issue before her, the hearing officer determined that the appellant's (claimant) _____, compensable injury did not extend to include the lumbar spine. In her appeal on sufficiency grounds, the claimant argues that the hearing officer should be reversed. The respondent (carrier) urges that the hearing officer be affirmed in all respects.

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable injury to her left leg, left calf, and left ankle on _____. The claimant argues that her compensable injury extended to her lumbar spine at L4-5, including a herniation, protrusion, annular tear, and nerve root displacement. The claimant testified to the effect that she felt the injury to her low back on the date of injury. Dr. M, the claimant's treating doctor, testified to the effect that the claimant's lumbar injury was caused by her _____, incident. Dr. M also testified that the claimant would have suffered pain from such an injury immediately. The carrier put into evidence medical records from the other doctors who treated the claimant before Dr. M, as well as records generated by Dr. M. The carrier pointed out that an injury to the claimant's lumbar region is not noted until January 2001. Whether the claimant's lumbar injury, as indicated by a January 2001 MRI, was a part of her compensable injury of _____, was a question of fact for the hearing officer.

Whether a particular injury extends to 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 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). 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 **HARTFORD CASUALTY INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**JIM ADAMS, ATTORNEY
450 GEARS ROAD, SUITE 500
HOUSTON, TEXAS 77067.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Michael B. McShane
Appeals Judge