

APPEAL NO. 012259
FILED NOVEMBER 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 August 30, 2001. The hearing officer resolved the disputed issue by determining that the appellant's (claimant) _____, compensable injury did not cause injuries to his right ankle, lumbar spine, left knee, and/or chest. The claimant appealed on sufficiency grounds, and the respondent (carrier) responded, urging affirmance.

DECISION

Affirmed.

The claimant sustained a compensable injury to his right hand, right wrist, right arm, left ankle, and the left side of his groin on _____, when the pallet jack he was operating malfunctioned and pinned him against a wall. The claimant testified that in addition to the above injuries, he hurt his right ankle, left knee, lumbar spine, and chest. The claimant testified that of these additional injuries, he is currently only having problems with his lumbar spine and left knee, the chest and ankle problems having resolved. The hearing officer stated that he did not find persuasive the claimant's testimony or evidence about the mechanics of the injury.

Whether an injury extends to a particular member of the body is a factual matter for the hearing officer to determine. Conflicting medical evidence was presented as to the extent and cause of the claimant's injuries. 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). Upon review of the record submitted, we find no reversible error and we will not disturb the hearing officer's determinations unless they are so against the great weight and preponderance of the evidence as to be clearly wrong or unjust. In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951). We do not so find and, consequently, the decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **HARTFORD UNDERWRITERS INSURANCE** and the name and address of its registered agent for service of process is

**BOB TALLEY
HARTFORD UNDERWRITERS INSURANCE
4050 GEARS RD., SUITE 400
HOUSTON, TX 77067.**

Susan M. Kelley
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Michael B. McShane
Appeals Judge