

APPEAL NO. 012306
FILED NOVEMBER 5, 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 17, 2001. The appellant (claimant) appeals the hearing officer's determinations that the claimant did not sustain a compensable injury in the course and scope of employment on _____, and that the claimant had no disability as a result of a compensable injury. The respondent (carrier) responds, urging affirmance.

DECISION

Affirmed.

"Compensable injury" is defined in Section 401.011(10). The claimant testified that he injured his low back and ribs at work on _____, when he slipped and fell, but there was also evidence that the claimant may have been injured before beginning employment with the employer. 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). 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). We will reverse a factual determination of a hearing officer only if that determination is so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986). Applying this standard of review to the record of this case, we decline to substitute our opinion of the credibility of the evidence for that of the hearing officer.

The hearing officer determined that the claimant did not sustain a compensable injury. Without a compensable injury, the claimant would not have disability as defined by Section 401.011(16).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **PETROSURANCE CASUALTY COMPANY** and the name and address of its registered agent for service of process is

**ROBERT CARLAN LEE
PETROSURANCE CASUALTY COMPANY
2301 E. LAMAR BLVD., SUITE 362
ARLINGTON, TEXAS 76006.**

Michael B. McShane
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Philip F. O'Neill
Appeals Judge

Appeals Judge
Judy L. S. Barnes

