

APPEAL NO. 012391  
FILED NOVEMBER 15, 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 14, 2001. The hearing officer resolved the disputed issue before her by determining that the respondent's (claimant) \_\_\_\_\_, compensable injury extends to and includes her left shoulder and left arm. The appellant (self-insured) appealed on sufficiency grounds. The claimant responded, urging affirmance.

DECISION

Affirmed.

The claimant is an elementary school teacher for the self-insured. She underwent breast biopsy surgery on August 4, 2000, prior to the commencement of the school year. On \_\_\_\_\_, the claimant was injured when she tried to prevent a child in her classroom from falling from a desk. She testified that the child fell back with force and struck her in the area where she had just had the surgery as well as her left shoulder and left arm. The claimant felt immediate pain to her entire left side, but was mostly concerned with the area of the surgery. The self-insured accepted a left chest wall and breast injury but disputed injury to the left shoulder and left arm.

The outcome in this case was dependent upon the credibility of the evidence with the self-insured pointing out inconsistencies in the claimant's records concerning the mechanism of injury. 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 **(SELF INSURED)** and the name and address of its registered agent for service of process is

**CR  
(UNIVERSITY)  
(CITY) TEXAS (ZIP CODE).**

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Philip F. O'Neill  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Elaine M. Chaney  
Appeals Judge