APPEAL NO. 012451
FILED NOVEMBER 21, 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 20, 2001. With respect to the issues before him, the hearing officer determined that the appellant (claimant) did not sustain a compensable injury on _____, and thus did have resultant disability. In light of his determination that the claimant had not sustained a compensable injury, the hearing officer further determined there was "no extent of compensable injury issue to be resolved." The claimant appeals on sufficiency grounds and seeks reversal. In its response, the respondent (carrier) urges affirmance.

DECISION

Affirmed.

The claimant alleged that, on _____[1], while performing her duties as a kitchen staffer, she injured her right shoulder, right trapezius area, and neck while dumping a heavy bucket of ice into an ice chest. The claimant testified that the ice chest's opening into which she emptied the bucket was located above her head. It was undisputed that the claimant had sustained a compensable injury in another work-related accident on _____, involving her right upper extremity. The claimant alleged that she sustained new injuries in _____, requiring surgery on her shoulder. The carrier argued that the claimant's symptoms stemmed from her _____ injury, and that no new injury occurred in _____. The hearing officer commented that he did not find the claimant's testimony credible and that the medical reports supporting an injury were based on the claimant's version of the incident which the hearing officer found not credible.

There was conflicting evidence submitted on the disputed issues. 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). This is so even though another fact finder might have drawn other inferences and reached a different conclusion. Salazar, *et al.* V. Hill, 551 S.W.2d 518 (Tex. Civ. App.-Corpus Christi 1977, writ ref'd n.r.e.). Nothing in our review of the record indicates that the challenged determinations are so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

[1]Except where otherwise indicated, the year referenced is 2000.

Because we affirm the hearing officer's compensability determination, we also affirm his disability conclusion. By definition, if the claimant did not sustain a compensable injury, she had no resultant disability. Section 401.011(16) of the 1989 Act.

Accordingly, the hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **NATIONAL SURETY CORPORATION** and the name and address of its registered agent for service of process is

DOROTHY LEADER
1991 BRYAN STREET
DALLAS, TEXAS 75201.

Thomas A. Knapp
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Michael B. McShane
Appeals Judge