

APPEAL NO. 012466
FILED NOVEMBER 19, 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 (CCH) was held on September 13 and 21, 2001. With respect to the issues before him, the hearing officer determined that the appellant/cross-respondent (claimant) sustained a compensable injury to his thoracic spine on _____, and had resultant disability for one (1) day thereafter, _____.

The claimant appeals, on sufficiency grounds and alleging legal error, claiming that his injury was much more severe than the hearing officer determined, and involved his cervical spine at C6-7, and that he had disability from _____, until the date of the hearing.

The respondent/cross-appellant (respondent) appeals the hearing officer's determinations also, and argues that there was no compensable injury and no disability, certainly not to the claimant's thoracic spine, which was not the focus of the claimant's case at either the CCH or on appeal. The carrier also files a response to the claimant's appeal, referring, for the most part, to its cross-appeal arguments.

DECISION

Affirmed.

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 different conclusions. 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.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **AMERICAN RISK FUNDING INSURANCE FUND** and the name and address of its registered agent for service of process is

**RON ARTHUR
12222 MERRITT DRIVE
DALLAS, TEXAS 75251.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Michael B. McShane
Appeals Judge