APPEAL NO. 012476
FILED DECEMBER 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 (CCH) was held on September 20, 2001. The hearing officer determined that the respondent/cross-appellant (claimant) sustained a compensable injury in the form of left ulnar entrapment to his left upper extremity on _____; that the claimant had disability from February 5 through February 21, 2001, and again from March 7 through March 29, 2001; that the appellant/ cross-respondent (carrier) is not relieved of liability under Section 409.002 because of a failure by the claimant to timely notify the employer under Section 409.001; and that the date of injury is _____, the date when the claimant knew or should have known that his condition might be work-related. The claimant's cross-appeal disagrees with the dates of disability found by the hearing officer. The claimant contends that his doctor had him on full disability beyond March 29, 2001. He states that he is "in the process of trying to establish with [his] doctor when the period of full disability would have ended." He also asks for a hearing on compensation for the time he could not work, present and future disability, and continuing medical bills related to his injury. The carrier did not reply to the claimant's cross-appeal.

DECISION

Affirmed.

All of the complained-of determinations were factual decisions. 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). We will reverse the factual determinations of a hearing officer only if such determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust, and we do not find them so in this case. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986). There is sufficient evidence in the record to support each factual determination by the hearing officer, including the periods of disability.

As to the additional matters raised by the claimant in his cross-appeal, and his request for a future hearing, we suggest the claimant contact the appropriate Texas Workers' Compensation Commission field office for assistance, as we can only deal with the appeal of the decision made at the previous CCH.

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **FIDELITY & GUARANTY INSURANCE COMPANY** and the name and address of its registered agent for service of process is

CORPORATION SERVICE COMPANY
800 BRAZOS
AUSTIN, TEXAS 78701.

Michael B. McShane
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Gary L. Kilgore
Appeals Judge