

APPEAL NO. 012597
FILED DECEMBER 10, 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 October 15, 2001. The hearing officer determined that the appellant (claimant) did not sustain a compensable injury on _____; that the respondent (carrier) would not be relieved from liability under Section 409.002 because the claimant had good cause for not reporting his injury until on or about _____; and that the claimant did not make an election of remedies which would preclude him from receiving workers' compensation benefits. A disability issue was withdrawn by the claimant at the CCH. The claimant appeals the determination that there was no compensable injury, arguing that the findings of the hearing officer are contradictory and against the great weight of the evidence. The carrier replies that the claimant is confusing the significance of the reporting issue with the compensability issue.

DECISION

Affirmed.

The existence of a compensable injury is a fact issue for the hearing officer to decide. 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). In this case, the hearing officer could conclude that the claimant failed to establish that he had sustained a work-related injury. The claimant did not feel any immediate pain when lifting a computer at work, and was only able to speculate that the lifting was the cause of the hernia he discovered several weeks after the lifting incident.

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS, SUITE 750, COMMODORE 1
AUSTIN, TEXAS 78701.**

Michael B. McShane
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Philip F. O'Neill
Appeals Judge