

APPEAL NO. 013047
FILED JANUARY 28, 2002

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 November 19, 2001. The hearing officer determined that the appellant (claimant) did not sustain a compensable injury on _____; did not have disability as a result of the claimed injury of _____; and, did not report an injury to the employer on or before the 30th day after the injury, nor did he have good cause for failing to do so. The claimant appeals these determinations, essentially on sufficiency of the evidence grounds. The respondent (carrier) replies, urging affirmance.

DECISION

Affirmed.

The claimant's appeal refers to documents received pursuant to a subpoena and appears to complain about the adequacy or accuracy of the information furnished pursuant to the subpoena, as well as lateness of the response to the subpoena. Since he did not make those objections at the CCH, he did not preserve the issues for appeal.

We have reviewed the complained-of determinations and conclude that the hearing officer did not err as a matter of fact or law. The hearing officer provided an extensive summary of the evidence presented at the CCH, and specifically noted that the "crux of this case is the credibility of the witnesses and evidence." 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 conclude that the hearing officer's determinations are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

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

**GAIL L. ESTES
1525 NORTH INTERSTATE 35 E., SUITE 220
CARROLLTON, TEXAS 75006.**

Michael B. McShane
Appeals Judge

CONCUR:

Robert E. Lang
Appeals Panel
Manager/Judge

Terri Kay Oliver
Appeals Judge