

APPEAL NO. 020015
FILED FEBRUARY 13, 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 was held on December 20, 2001. The hearing officer resolved the sole issue before him by determining that the appellant/cross-respondent's (claimant) _____, compensable injury includes the condition of cellulitis in his left lower extremity. The claimant appealed two evidentiary rulings by the hearing officer and the respondent/cross-appellant (carrier) responded. The carrier appealed the hearing officer's determination that the _____, compensable injury includes the condition of cellulitis in his left lower extremity on sufficiency grounds. There is no response from the claimant to the carrier's cross-appeal in the file.

DECISION

We affirm.

On appeal, the claimant, by and through his attorney, asserts that two evidentiary rulings by the hearing officer deprived him of, "due process and equal protection (Texas & U.S. Constitution)," and he requests a remand for a new hearing. Because the hearing officer held in favor of the claimant, we perceive no reversible error. Hernandez v. Hernandez, 611 S.W.2d 732 (Tex. Civ. App.-San Antonio 1981, no writ).

The carrier asserts that the hearing officer's determination that the compensable injury includes the claimant's condition of cellulitis in the left lower extremity is against the great weight of the evidence. We have held that the question of the extent of an injury is a question of fact for the hearing officer. Texas Workers' Compensation Commission Appeal No. 93613, decided August 24, 1993. 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 findings, conclusions, and decision are supported by sufficient evidence and that they are not so against the great weight and preponderance of the evidence so as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986).

The hearing officer's decision and order are affirmed.

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

**GEORGE MICHAEL JONES
9330 LBJ FREEWAY, SUITE 1200
AUSTIN, TEXAS 75243.**

Gary L. Kilgore
Appeals Judge

CONCUR:

Robert W. Potts
Appeals Judge

Edward Vilano
Appeals Judge