APPEAL NO. 020164
FILED FEBRUARY 27, 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 18, 2001. The hearing officer resolved the sole issue before her by determining that the appellant (claimant) did not sustain a compensable occupational disease injury in the form of a chemical inhalation or exposure injury on _____. The claimant appealed on sufficiency grounds. The carrier responded, urging affirmance.

DECISION

We affirm.

The hearing officer did not err in determining that the claimant did not sustain a compensable occupational disease injury on _____. The claimant testified that his job involved sanding trucks in preparation for painting; that he was exposed to dust and chemicals in the course and scope of his employment; and that as a result of this exposure, he has developed problems with his lungs and breathing. We note that while not at issue in this case, the claimant had a prior compensable upper extremity injury with an _____, date of injury, and that the claimant initially related his chest pain to that injury. There are medical records in evidence which show that the claimant was in fact complaining of chest pain. The issue to be resolved is whether the claimant's chest pain and breathing difficulties were caused by his chemical and dust exposure. Conflicting medical evidence was presented. In support of his position that he sustained a chemical exposure/inhalation injury, the claimant presented an abnormal pulmonary function test (PFT). The carrier presented evidence that the claimant received the wrong PFT results due to a clerical error, and that his chest pain was muscular in nature.

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). This tribunal will not disturb the hearing officer's findings unless they are 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); Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986). Applying this standard, we cannot say that the hearing officer erred in finding that the claimant did not meet his burden of proving he sustained a compensable injury due to his exposure and inhalation of chemicals and dust particles.

The hearing officer's decision and order are affirmed.

According to information provided by carrier, the true corporate name of the insurance carrier is **ZURICH AMERICAN INSURANCE COMPANY** and the name and address of its registered agent for service of process is

GARY SUDOL
9330 LBJ FREEWAY, SUITE 1200
DALLAS, TEXAS 75243.

Gary L. Kilgore
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Edward Vilano
Appeals Judge