

APPEAL NO. 020901  
FILED MAY 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 March 26, 2002. The hearing officer determined that the respondent (claimant) sustained a compensable back injury, by way of aggravation of preexisting spine pathology, on \_\_\_\_\_; and that the claimant had disability beginning on August 18, 2001, and continuing through the date of the CCH. The appellant (self-insured) appeals the injury and disability determinations on evidentiary sufficiency grounds. The claimant urges affirmance.

DECISION

Affirmed.

Each of the complained-of determinations was a factual determination for the hearing officer. The hearing officer specifically noted that the claimant appeared honest, and that her doctor provided a persuasive explanation of how the incident of \_\_\_\_\_, caused a new and different injury in the nature of an aggravation of her preexisting conditions. 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 a factual determination of a hearing officer only if that determination is so against the great weight and preponderance of the evidence as to be clearly wrong and 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 of review to the record of this case, we decline to substitute our opinion of the credibility of the evidence for that of the hearing officer.

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **(a certified self-insured)** and the name and address of its registered agent for service of process is

**COMMISSIONER OF INSURANCE  
(ADDRESS)  
(CITY), TEXAS (ZIP CODE).**

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Michael B. McShane  
Appeals Judge

CONCUR:

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Thomas A. Knapp  
Appeals Judge

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Robert W. Potts  
Appeals Judge