

APPEAL NO. 021242
FILED JULY 10, 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 April 22, 2002. In (docket 1), the hearing officer resolved the disputed issues by determining that the respondent (claimant) sustained a compensable repetitive trauma injury in the form of right carpal tunnel syndrome (CTS); that the date of injury is _____; that the claimant timely notified the employer of the injury and, consequently, the appellant (carrier) is not relieved from liability; and that the claimant is not barred from pursuing Texas workers' compensation benefits because of an election to receive benefits under her health insurance policy. In (docket 2), the hearing officer resolved the disputed issues by determining that the claimant sustained a compensable repetitive trauma injury in the form of left CTS; that the date of injury is _____; that the claimant timely notified the employer of the injury and, consequently, the carrier is not relieved from liability; that the claimant is not barred from pursuing Texas workers' compensation benefits because of an election to receive benefits under her health insurance policy; and that the claimant had disability from August 8 through September 27, 2001. On appeal, the carrier contends that these determinations are against the great weight and preponderance of the evidence. Additionally, the carrier urges that the Texas Workers' Compensation Commission has misidentified the claim numbers and requests that the decisions be reformed to reflect that left CTS is the injury alleged in docket 1, and right CTS is alleged in docket 2. The appeal file contains no response from the claimant.

DECISION

Affirmed.

With regard to the injuries alleged in the two respective dockets, we find no evidence to support the carrier's position that the claim numbers have been transposed. We note that although the carrier identifies the hearing officer's clerical error as awarding benefits relating to left CTS in docket 1, and right CTS in docket 2, in reality, the opposite is true. The carrier also asserts that the hearing officer found that the claimant has disability relating to right CTS, when, in fact, the hearing officer found disability in docket 2 relating to left CTS. The hearing officer identified the disputed issues in the respective dockets for the benefit of the parties and the carrier expressed agreement. Finding no indication that the claim numbers were transposed, we decline to reform the decisions.

We have reviewed the other matters complained of on appeal and conclude that the issues involved factual determinations for the hearing officer to resolve. 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 of 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). 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). When reviewing a hearing officer's decision for factual sufficiency of the evidence, we should reverse such decision only if it is so contrary to 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 Co., 715 S.W.2d 629, 635 (Tex. 1986). Applying this standard, we find no grounds to reverse the decision of the hearing officer.

The decision and order of the hearing officer are affirmed.

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

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Susan M. Kelley
Appeals Judge

CONCUR:

Daniel R. Barry
Appeals Judge

Michael B. McShane
Appeals Judge