

APPEAL NO. 021368  
FILED JULY 15, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A consolidated contested case hearing was held on April 22, 2002. The issues involved whether the appellant (claimant) sustained a compensable injury on \_\_\_\_\_, and on \_\_\_\_\_; the hearing officer issued a separate decision on each issue. The hearing officer resolved the disputed issues by deciding that the claimant did not sustain a compensable injury on \_\_\_\_\_, and that the claimant did not sustain a compensable injury on \_\_\_\_\_. The claimant appeals the decisions. The appeal file did not contain a response from the respondent (carrier).

DECISION

Affirmed.

In his appeal, the claimant points out that the hearing officer mistakenly notes that the claimant had a vein stripping procedure 10 years prior. The evidence shows the procedure occurred more than 30 years earlier; however, this mistake has no effect on the outcome of the disputed issues.

There was conflicting evidence presented on the disputed issues in this case. 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). 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). The hearing officer determined that the claimant failed to satisfy his burden of proof. The hearing officer was not persuaded by the claimant's testimony or the medical records in evidence that the claimant sustained a compensable injury in the course and scope of employment on either \_\_\_\_\_ or \_\_\_\_\_. 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 factual findings of the hearing officer.

We affirm the decision and order of the hearing officer.

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

**C. T. CORPORATION SYSTEM  
350 NORTH ST. PAUL STREET  
DALLAS, TEXAS 75201.**

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Michael B. McShane  
Appeals Judge

CONCUR:

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Thomas A. Knapp  
Appeals Judge

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Roy L. Warren  
Appeals Judge