

APPEAL NO. 021480
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 contested case hearing was held on May 21, 2002. The hearing officer resolved the disputed issues by determining that the respondent/cross-appellant (claimant) was injured in the course and scope of her employment when she was involved in a motor vehicle accident (MVA) on _____, and that she did not have disability. The appellant/cross-respondent (carrier) contends that the injury determination is against the overwhelming weight of the evidence. The claimant responded to the carrier's appeal, urging affirmance of the injury determination. Additionally, the claimant appeals the disability determination. The appeal file contains no response from the carrier to the claimant's request for review.

DECISION

Affirmed.

The hearing officer, relying on Mersch v. Zurich Insurance Co., 781 S.W.2d 447 (Tex. App.-Fort Worth 1989, writ den'd), determined that the claimant was injured in the course and scope of her employment when she was involved in an MVA on _____. The hearing officer made findings of fact, which included that the claimant assumed that her attendance at the luncheon in question was required by the employer, and that she was directed by her supervisor to attend the luncheon and, by attending, she was furthering the interests of the employer. She found that the claimant injured her chest, neck, and thoracic spine, but explains why she did not believe that the injuries resulted in the inability to work. Whether the claimant was injured in the course and scope of her employment and whether she had disability are factual questions for the hearing officer to resolve. The hearing officer, as the finder of fact, is the sole judge of the weight and credibility to be given to the evidence. Section 410.165(a). 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 **TEXAS MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**MR. RUSSELL R. OLIVER, PRESIDENT
221 WEST 6TH STREET
AUSTIN, TEXAS 78701.**

Susan M. Kelley
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Robert E. Lang
Appeals Panel
Manager/Judge