APPEAL NO. 021680
FILED AUGUST 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 (CCH) was held on May 30, 2002. The hearing officer determined that the appellant's (claimant) _____, knee injury did not extend to a cervical injury; that he did not have disability from his injury of that date but had a brief period of disability (_____, through January 16, 2002), due to his compensable finger injury of _____; and that the employer did not tender a bona fide offer of employment.

The claimant appeals and argues that he proved his case as to a cervical injury and resulting disability. The respondent (carrier) responds that the decision should be affirmed.

DECISION

We affirm the hearing officer's decision.

The hearing officer has thoroughly set out the evidence. As the carrier notes in its response, the claimant agreed to have both injuries heard together, so we cannot agree that the hearing officer erred by considering the cases together. Essentially, the claimant quarrels with the weight and credibility assigned to the testimony and other evidence, including witness statements. He also complains of fact findings relating to when he achieved maximum medical improvement (MMI), and, in this regard, we would note that because MMI was not in issue at the CCH, these findings cannot be taken as binding adjudications on that issue, but are merely a comment on the evidence in the record. The hearing officer could consider the evidence of a zero percent impairment rating as part of his determination as to whether the claimant had the inability to obtain and retain employment, and the duration of any such disability. The hearing officer is the sole judge of the relevance, materiality, weight, and credibility of the evidence presented at the hearing. Section 410.165(a). The decision should not be set aside because different inferences and conclusions may be drawn upon review, even when the record contains evidence that would lend itself to different inferences. 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. Taylor v. Lewis, 553 S.W.2d 153, 161 (Tex. Civ. App.-Amarillo 1977, writ ref'd n.r.e.). In this case, there was conflicting evidence concerning the mechanism of the _____, injury as well as how either injury was reported to the employer.

In considering all the evidence in the record, we cannot agree that the findings of the hearing officer are so against the great weight and preponderance of the evidence as to be manifestly wrong and unjust. In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951). Accordingly, we affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **LIBERTY INSURANCE CORPORATION** and the name and address of its registered agent for service of process is

CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.

_____
Susan M. Kelley
Appeals Judge

CONCUR:

_____
Daniel R. Barry
Appeals Judge

_____
Michael B. McShane
Appeals Judge