

APPEAL NO. 022127
FILED OCTOBER 14, 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 initially convened on March 13, 2002, at which time a continuance was granted until June 6, 2002. The hearing was again continued and ultimately held on August 2, 2002. The hearing officer determined that the respondent (claimant) sustained a compensable repetitive trauma injury; that the date of injury is _____; that the claimant timely reported her injury to the employer; that the claimant did not make an election to receive benefits under a disability policy and, consequently, is not barred from pursuing Texas Workers' Compensation benefits; and that the claimant had disability beginning on August 8, 2001, and ending on October 29, 2001. The appellant (carrier) contends that, with the exception of the determination relating to an election of benefits, the hearing officer's decision is against the great weight and preponderance of the evidence. The appeal file contains no response from the claimant.

DECISION

We affirm.

Essentially, the carrier quarrels with the credibility afforded to the evidence by the hearing officer. The complained-of determinations involved factual questions for the hearing officer to resolve. Section 410.165(a) provides that the contested case 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 the hearing officer's prerogative to believe all, part, or none of the testimony of any witness, including that of the claimant. Aetna Insurance Company v. English, 204 S.W.2d 850 (Tex. Civ. App.-Fort Worth 1947, no writ). An appeals-level body is not a fact finder, and does not normally pass upon the credibility of witnesses or substitute its own judgment for that of the trier of fact, even if the evidence would support a different result. National Union Fire Insurance Company of Pittsburgh, Pennsylvania v. Soto, 819 S.W.2d 619, 620 (Tex. App.-El Paso 1991, writ denied). Nothing in our review of the record indicates that the complained-of determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

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

**CORPORATION SERVICE COMPANY
800 BRAZOS
AUSTIN, TEXAS 78701.**

Judy L. S. Barnes
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Thomas A. Knapp
Appeals Judge