APPEAL NO. 022378
FILED NOVEMBER 6, 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 August 23, 2002. The hearing officer resolved the disputed issues by deciding that the compensable injury of _____, includes the respondent's (claimant) peri-cervical and left shoulder pain from and after June of 2001; and that the claimant is not entitled to supplemental income benefits (SIBs) for the sixth quarter from May 7 through August 5, 2002. The appellant (carrier) appealed, arguing that there is insufficient evidence to support the extent-of-injury determination and that "the hearing officer's use of a 'producing cause' standard of proof is error." The appeal file does not contain a response from the claimant. The SIBs determination was not appealed and has become final. Section 410.169.

DECISION

Affirmed.

The claimant sustained a compensable injury to his cervical spine and left shoulder on _____. The carrier contends that the claimant sustained a new injury after June 2001, which "breaks the chain of causation between his _____, injury and his current peri-cervical and left shoulder complaints." The disputed issue presented a question of fact for the hearing officer. Texas Workers' Compensation Commission Appeal No. 93613, decided August 24, 1993. There was conflicting evidence on the issue. 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. It was for the hearing officer, as trier of fact, to resolve the inconsistencies and conflicts in the evidence and determine what facts have been established. 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). We will reverse a factual determination of a hearing officer only if that determination is so against 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 Company, 715 S.W.2d 629, 635 (Tex. 1986). Applying this standard, we find sufficient evidence to support the hearing officer's extent of injury determination.

We do not agree with the carrier's argument that producing cause is not an aspect of analyzing extent of injury, and the Appeals Panel has several times applied the producing cause standard. Texas Workers Compensation Commission Appeal No. 020462, decided April 17, 2002.

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **FIREMAN'S FUND INSURANCE COMPANY** and the name and address of its registered agent for service of process is

DOROTHY C. LEADERER
1999 BRYAN STREET
DALLAS, TEXAS 75201.

_____
Margaret L. Turner
Appeals Judge

CONCUR:

_____
Thomas A. Knapp
Appeals Judge

_____
Robert W. Potts
Appeals Judge