

APPEAL NO. 022584
FILED NOVEMBER 21, 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 September 11, 2002. The hearing officer determined that the respondent (claimant) sustained a compensable repetitive trauma injury; that the date of injury is _____; that the claimant gave timely notice of the injury to his employer; and that the claimant had disability from November 15, 2001, through April 30, 2002. The appellant (self-insured) appeals the hearing officer's decision. The claimant responds, arguing that the self-insured's appeal should not be considered, as it was not timely filed. Alternatively, the claimant urges affirmance.

DECISION

We affirm.

We must first address the claimant's jurisdictional argument that the self-insured's request for review was not timely filed. Records of the Texas Workers' Compensation Commission reflect that the self-insured acknowledged receipt of its copy of the hearing officer's decision on September 19, 2002. Pursuant to Section 410.202(a), for an appeal to be considered timely, it must be filed or mailed within 15 days, excluding Saturdays, Sundays, and holidays listed in Section 662.033 of the Texas Government Code, of the date of receipt of the hearing officer's decision. Therefore, the deadline for the self-insured to file an appeal was October 10, 2002. As the appeal was hand-delivered to the Commission on October 10, 2002, it was timely filed.

Conflicting evidence was presented on the disputed issues in this case. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the trier of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. 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). We conclude that the hearing officer's decision is supported by sufficient evidence and is not 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 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **(a certified self-insured)** and the name and address of its registered agent for service of process is

**U. S. CORPORATE SERVICES
800 BRAZOS STREET
AUSTIN, TEXAS 78701.**

Gary L. Kilgore
Appeals Judge

CONCUR:

Michael B. McShane
Appeals Panel
Manager/Judge

Margaret L. Turner
Appeals Judge