

APPEAL NO. 022680
FILED DECEMBER 9, 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 18, 2002. The hearing officer determined that the appellant (claimant) had not sustained a compensable repetitive trauma injury on _____, and since there was no compensable injury, there was no disability.

The claimant appeals, generally on sufficiency of the evidence, and asserts that the respondent's (carrier) witness's credibility was "questionable" because the witness had not worked at the claimant's job and was not qualified "as an expert witness." The file does not contain a response from the carrier.

DECISION

Affirmed.

The claimant was employed by a temporary employment agency (employer) and was sent to work at an insurance company (client company) as a receptionist/switchboard operator. Exactly what the claimant's duties were, and how repetitively traumatic they were, was in dispute. The claimant had worked for the client company from February 11 to April 5, 2002. The claimant was laid off by the client company on April 8 or April 9, 2002, for absenteeism. The carrier called the employer's client service supervisor to testify regarding the claimant's duties. The supervisor was cross-examined about her knowledge of what the claimant's duties were.

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 as well as the weight and credibility that is to be given the evidence. It was for the hearing officer, as trier of fact, to resolve the inconsistencies and conflicts in the evidence. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. 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 have reviewed the complained-of determinations and conclude that the issues involved fact questions for the hearing officer. The hearing officer reviewed the record and decided what facts were established. We hold that the hearing officer's determinations are not 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 (Tex. 1986).

The hearing officer's decision and order are affirmed.

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

**CORPORATION SERVICE COMPANY
800 BRAZOS, COMMODORE 1, SUITE 750
AUSTIN, TEXAS 78701.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Susan M. Kelley
Appeals Judge