

APPEAL NO. 031060
FILED JUNE 6, 2003

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 March 13, 2003. The hearing officer determined that the appellant's (claimant) compensable injury does not include or extend to include cervical sprain, subluxation of the cervical spine at C2-3, cervical disc herniation, cervical-cranial syndrome, or cervicgia. The claimant appeals, disagreeing with the hearing officer's evaluation of the evidence. The respondent (self-insured) responds, urging affirmance. Although the claimant's chiropractor appeared at the hearing as a subclaimant, participated in the hearing as a witness, asked questions of the claimant, and presented argument to the hearing officer, he did not file an appeal or submit a response to the claimant's appeal.

DECISION

Affirmed.

Whether a compensable injury extends to particular body parts is a question of fact for the fact finder. 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 of the weight and credibility that is to be given to 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.-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). In view of the evidence presented, we cannot conclude that the hearing officer's determination on extent of injury is 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 decision and order of the hearing officer.

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

**RUSS EDWARDS
EDWARDS RISK MANAGEMENT
101 HIGHWAY 281, SUITE 304
MARBLE FALLS, TEXAS 78654.**

Michael B. McShane
Appeals Panel
Manager/Judge

CONCUR:

Chris Cowan
Appeals Judge

Edward Vilano
Appeals Judge