APPEAL NO. 031453
FILED JULY 28, 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 May 9, 2003, with Thomas Hight presiding as hearing officer. The hearing officer determined that the respondent (claimant) sustained a compensable injury in the form of an occupational disease of bilateral carpal tunnel syndrome (CTS); that she did not have disability as a result of the compensable injury; that the date of injury (DOI) is _____; that the appellant (carrier) is not relieved of liability for compensation under Section 409.002 because the claimant did timely notify the employer of the injury pursuant to Section 409.001; and that the carrier did not waive its right to contest the compensability of the claimed injury. The carrier appeals the determination that the claimant sustained a compensable injury, the determination of the DOI, and the determination that the claimant timely reported the injury to the employer. The claimant responds, urging affirmance. The determinations as to disability and carrier waiver were not appealed and have become final. Section 410.169.

DECISION

Affirmed.

The issues of injury, DOI, and timely notice presented questions 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 the weight and credibility that is to be given to the evidence. There was conflicting evidence in this case. 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). The hearing officer was satisfied that the claimant engaged in repetitious and physically traumatic work activity, which was shown by the medical evidence to be causally related to her CTS, that her DOI was _____, and that she notified a supervisor of the claimed injury on December 3, 2001. Nothing in our review of the record reveals that the hearing officer's injury, DOI, and timely notice determinations are so contrary to the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. As such, no sound basis exists for us to reverse those determinations on appeal. 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 **AMERICAN PROTECTION INSURANCE COMPANY** and the name and address of its registered agent for service of process is

CORPORATION SERVICE COMPANY
800 BRAZOS
AUSTIN, TEXAS 78701.

_____
Michael B. McShane
Appeals Panel
Manager/Judge

CONCUR:

_____
Chris Cowan
Appeals Judge

_____
Edward Vilano
Appeals Judge