

APPEAL NO. 031713
FILED AUGUST 20, 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 (CCH) was held on June 5, 2003. With regard to the sole issue before him the hearing officer determined that the respondent (claimant) had disability from February 21, 2002, through the date of the CCH.

The appellant (carrier) appeals, contending that the decision is against the great weight of the evidence and asserting that the claimant was not being entirely truthful. The claimant responds, urging affirmance.

DECISION

Affirmed.

The claimant, a nurse working with an overweight patient, fell on _____. The claimant had another fall with the same patient the next day but continued to work until February 21, 2002. The carrier has accepted a left knee strain/sprain, which it alleges has resolved. Although there was some discussion about the extent of injury, the parties agreed that the extent of injury was not an issue before the hearing officer. There was conflicting medical evidence regarding disability and the hearing officer commented on the claimant's testimony where the claimant had forgotten about a prior left knee injury in an elevator incident prior to the injury at issue in this case.

The carrier asserts that the claimant "is not being truthful" about her prior injury, however, we point out that it is up to the hearing officer, as the sole judge of the weight and credibility of the evidence, to resolve who is, or is not, being truthful. The hearing officer 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). As the trier of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. Nothing in our review of the record indicates that the hearing officer's decision 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).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **SECURITY INSURANCE COMPANY OF HARTFORD** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS
AUSTIN, TEXAS 78701.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Margaret L. Turner
Appeals Judge

Edward Vilano
Appeals Judge