

APPEAL NO. 031746
FILED AUGUST 21, 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 May 30, 2003. The hearing officer resolved the disputed issues by deciding that the appellant's (claimant) injury of _____, does not extend to include an injury to the lumbar spine and that the claimant had disability on December 5, 2002, for one day, and from February 24 through March 31, 2003. The claimant appealed the hearing officer's extent-of-injury and disability determinations on sufficiency of the evidence grounds. The appeal file does not contain a response from the carrier.

DECISION

Affirmed.

Extent of injury and disability are factual questions for the hearing officer to resolve. 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 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). The claimant testified that he injured his right index finger and back when he slipped and fell at work on _____. The carrier has accepted the right index finger as a compensable injury. A MRI of the lumbar spine dated March 25, 2002, states that "L5-S1 mild degenerative change with a right paracentral annular tear, but no frank [herniated nucleus pulposus] HNP." The hearing officer reviewed the medical evidence, and was not persuaded that the compensable right index finger injury on _____, extended to or included an injury to the claimant's lumbar spine. The hearing officer determined that the claimant was unable to work due to his right index finger injury on _____, and from February 24 through March 31, 2003. Nothing in our review of the record reveals 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 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **LIBERTY MUTUAL FIRE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL, SUITE 2900
DALLAS, TEXAS 75201.**

Veronica Lopez-Ruberto
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Gary L. Kilgore
Appeals Judge