APPEAL NO. 032115
FILED SEPTEMBER 18, 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 June 11, 2003, and continued with the record closing on July 17, 2003. The hearing officer determined that the appellant's (claimant) compensable injury of _____, does not extend to the left ankle, left hip, left knee, or low back. The claimant appealed, arguing that the hearing officer's determination is against the great weight and preponderance of the evidence and asserts that hearing officer erred in admitting one of the respondent's (carrier) exhibits into evidence as it was not timely exchanged. The carrier responded, urging affirmance of the hearing officer's determination and asserting that claimant withdrew his objection to the exhibit in question.

DECISION

Affirmed.

The claimant argues that the hearing officer erred in admitting Carrier's Exhibit No. 11 on the grounds that it was not timely exchanged. The record reflects that the claimant withdrew this objection after the carrier presented a certified mail receipt indicating the date upon which the information was mailed. The claimant then objected to the relevance of Carrier's Exhibit No. 11. Upon offering the exhibit on cross-examination of the claimant, the claimant's attorney responded to the hearing officer's query if the claimant had an objection by stating "[w]ell, it's all been read in anyway, so, no objection." The record is clear that the claimant ultimately did not object to Carrier's Exhibit No. 11. Therefore, we perceive no error in the admission of Carrier's Exhibit No. 11.

Extent of injury is a factual question for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). 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, 702 (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, 290 (Tex. App.-Houston [14th Dist.] 1984, no writ). The trier of fact may believe all, part, or none of the testimony of any witness. Taylor v. Lewis, 553 S.W.2d 153 (Tex. Civ. App.-Amarillo 1977, writ ref'd n.r.e.); Aetna Insurance Co. v. English, 204 S.W.2d 850 (Tex. Civ. App.-Fort Worth 1947, no writ). The hearing officer was not persuaded by the evidence that the claimant's compensable injury extends to include the left ankle, left hip, left knee, and low back. Nothing in our review of the record indicates that the hearings 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 **LUMBERMENS MUTUAL CASUALTY COMPANY** and the name and address of its registered agent for service of process is

CORPORATION SERVICE COMPANY
800 BRAZOS
AUSTIN, TEXAS 78701.

_____
Chris Cowan
Appeals Judge

CONCUR:

_____
Robert W. Potts
Appeals Judge

_____
Edward Vilano
Appeals Judge