

APPEAL NO. 032143  
FILED OCTOBER 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 July 15, 2003. The hearing officer determined that the respondent (claimant) sustained a compensable injury on \_\_\_\_\_. The appellant (carrier) appeals this determination. The claimant urges affirmance of the hearing officer's decision.

DECISION

Affirmed.

Whether the claimant sustained a compensable injury was 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)) and resolves the conflicts and inconsistencies in the evidence including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). 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). 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).

Section 401.011(26) defines injury as damage or harm to the physical structure of the body. The carrier points out on appeal that in his Statement of the Evidence the hearing officer noted, "[g]iven the long delay in seeking medical treatment and minimal objective findings, it is unlikely that there was any structural damage to the body, but extent of injury is not an issue." However, the hearing officer determined that the claimant sustained damage or harm to the physical structure of her body. The carrier perceives these two statements as being irreconcilable. We disagree. Given the context of the remaining paragraph in question contained in the Statement of the Evidence, it is apparent that the hearing officer was attempting to explain that the compensable injury is probably in the nature of a sprain injury. While this explanation is somewhat confusing and not necessary since extent of injury was not before the hearing officer, it does not constitute reversible error.

The hearing officer's decision and order is affirmed.

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

**CORPORATION SERVICE COMPANY  
800 BRAZOS, SUITE 750, COMMODORE 1  
AUSTIN, TEXAS 78701.**

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Chris Cowan  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Margaret L. Turner  
Appeals Judge