

APPEAL NO. 032693
FILED DECEMBER 1, 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 September 17, 2003. The hearing officer determined that the respondent's (claimant) _____, compensable injury extends to and includes an injury to the lumbar spine in the form of a herniation at L5-S1, and that he had disability from January 23, 2003, through the date of the hearing. The appellant (carrier) appealed on sufficiency of the evidence grounds. The file does not contain a response from the claimant.

DECISION

Affirmed.

The claimant testified as to the mechanism of his injury. It is undisputed that the claimant sustained a compensable injury on _____. In addition to abrasions to his left leg, the claimant contends that he also suffers from an L5-S1 herniation as a result of the accident, and that he has not worked since January 22, 2003, because of his injury. Extent of injury and disability are questions of fact. It was for the hearing officer, as the trier of fact, to resolve the conflicts and inconsistencies in the evidence and to determine what facts had been established. 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. Taylor v. Lewis, 553 S.W.2d 153, 161 (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). Although there was conflicting evidence, the hearing officer was persuaded by the medical reports and the claimant's testimony that his compensable injury extends to and includes an L5-S1 herniation, and that he had disability from January 23, 2003, through the date of the hearing. In view of the evidence presented, we cannot conclude that the hearing officer's determinations are 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).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **ARGONAUT-SOUTHWEST INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**JOSEPH A. YURKOVICH
1431 GREENWAY DRIVE, SUITE 450
IRVING, TEXAS 75038.**

Margaret L. Turner
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Thomas A. Knapp
Appeals Judge