

APPEAL NO. 041332
FILED JULY 27, 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 May 4, 2004. The hearing officer determined that the appellant (claimant) did not sustain a compensable injury on _____, and that because there was no compensable injury, the claimant did not have disability.

The claimant appeals on sufficiency of the evidence grounds, citing evidence in his favor. The respondent (carrier) responds, urging affirmance.

DECISION

Affirmed.

The claimant testified that he injured his low back "pulling" a hose on (alleged date of injury). There was conflicting evidence regarding whether the hose would have been pulled manually or by a crane. The claimant went to a hospital emergency room and was diagnosed with a lumbar sprain/strain. The hearing officer commented that he did not find the claimant's testimony persuasive. The hearing officer found that the claimant did sustain a low back strain of undetermined origin and that the claimant's inability to work was due to the strain.

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. 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 (Tex. Civ. App.-Amarillo 1974, no writ). The trier of fact 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). The fact that another hearing officer may well have drawn different inferences from the same evidence, which would have supported a different result, does not provide a basis for our reversal of the hearing officer's decision on appeal. Salazar, et al. v. Hill, 551 S.W.2d 518 (Tex. Civ. App.-Corpus Christi 1977, writ ref'd n.r.e.). We find sufficient evidence to support the hearing officer's determinations and those determinations are not 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).

Accordingly, we affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **ZURICH AMERICAN INSURANCE COMPANY, A DIVISION OF THE ZURICH NORTH AMERICA** and the name and address of its registered agent for service of process is

**LEO MALO
ZURICH NORTH AMERICA
12222 MERIT DRIVE, SUITE 700
DALLAS, TEXAS 75251.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Veronica L. Ruberto
Appeals Judge

Edward Vilano
Appeals Judge