

APPEAL NO. 041350
FILED JULY 15, 2004

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 18, 2004. The hearing officer resolved the disputed issues by determining that the appellant (claimant) did not have disability from March 8 through March 23, 2004, and that the _____, compensable injury does not extend to nor include an aggravation of osteoarthritis of the right knee, right knee MRI findings dated August 25, 2003 (advanced osteoarthritis involving the medial and lateral knee joint compartment with marked degree of fragmentation especially of the medial meniscus and irregularity of the lateral meniscus; patellofemoral degenerative changes; remodeling osteophytes and advanced chondromalacia; Baker's cyst; and chronic ACL tear), bilateral knee medial meniscus tears, lateral meniscus tears, and anterior cruciate ligament tears. The claimant appeals these determinations. The respondent (self-insured) urges affirmance of the hearing officer's decision.

DECISION

Affirmed.

The disputed issues in this case involved factual questions 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 it is for the hearing officer to resolve such conflicts and inconsistencies in the evidence as were present in this case (Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, 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).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **a political subdivision self-insured through the West Texas Educational Insurance Association** and the name and address of its registered agent for service of process is

**WS
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Chris Cowan
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Thomas A. Knapp
Appeals Judge