

APPEAL NO. 041511  
FILED AUGUST 12, 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 10, 2004. The hearing officer determined that the appellant's (claimant) \_\_\_\_\_, compensable injury does not include herniated discs at C3-4, C4-5, C6-7; a 5-6 mm herniated disc at L3-4; a right shoulder partial rotator cuff tear; bilateral carpal tunnel syndrome; and bilateral knee contusions; and that the claimant did not have disability. In her appeal, the claimant essentially argues that the hearing officer's determinations are against the great weight of the evidence. The appeal file does not contain a response from the respondent (self-insured).

DECISION

Affirmed.

Extent of injury and disability are questions of fact for the hearing officer to resolve. 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 not persuaded by the evidence presented by the claimant that the compensable injury includes the above-mentioned injuries, or that she had disability as a result of the compensable injury. 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).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **self-insured through the TEXAS ASSOCIATION OF COUNTIES WORKERS' COMPENSATION SELF-INSURANCE FUND** and the name and address of its registered agent for service of process is

**EXECUTIVE DIRECTOR  
(ADDRESS)  
(CITY), TEXAS (ZIP CODE).**

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Daniel R. Barry  
Appeals Judge

CONCUR:

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Veronica L. Ruberto  
Appeals Judge

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Edward Vilano  
Appeals Judge