

APPEAL NO. 041550
FILED AUGUST 11, 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 June 3, 2004. With regard to (Docket No. 1), the hearing officer determined that the respondent/cross-appellant (claimant) sustained a compensable injury on (date of injury for Docket No. 1); that he gave timely notice of the injury to his employer; and that he did not have disability. With regard to (Docket No. 2), the hearing officer determined that the claimant did not sustain a compensable injury on (date of injury for Docket No. 2); that he gave timely notice of the claimed injury to his employer; and that he did not have disability. The appellant/cross-respondent (carrier) appeals the determinations that the claimant sustained a compensable injury on (date of injury for Docket No. 1), and that he gave timely notice of the injuries alleged in Docket Nos. 1 and 2. The claimant appeals the determinations that are adverse to him in Docket Nos. 1 and 2. Both parties responded to the opposition's appeal.

DECISION

Affirmed.

The determinations complained of by both the carrier and the claimant involved factual questions for the hearing officer to resolve. 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 as well as of the weight and credibility that is to be given to 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, 702 (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, 290 (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 and 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 **NORTHERN INSURANCE COMPANY OF NEW YORK** and the name and address of its registered agent for service of process is

**LEO F. MALO
12222 MERIT DRIVE, SUITE 700
DALLAS, TEXAS 75251.**

Chris Cowan
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Daniel R. Barry
Appeals Judge