

APPEAL NO. 041569
FILED AUGUST 16, 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 26, 2004. The hearing officer resolved the disputed issues by determining that the appellant's (claimant) _____, compensable injury does not include annular fissuring and disc protrusion at L5-S1; that the Texas Workers' Compensation Commission does not have jurisdiction to determine if the claimant had disability from June 17, 2003, through October 1, 2003; and that the claimant did not have disability from October 2, 2003, through the date of the hearing. The claimant appeals the extent-of-injury determination and its resulting effect on the disability and jurisdiction determinations. The respondent (carrier) urges affirmance of the hearing officer's decision.

DECISION

Affirmed.

Extent of injury was a factual question 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 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 extent-of-injury determination 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). As the claimant's appeal of the disability and jurisdiction is predicated on the reversal of the extent-of-injury determination, which we have affirmed, we similarly affirm the hearing officer's resolution of the remaining disputed issues.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Chris Cowan
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Elaine M. Chaney
Appeals Judge