APPEAL NO. 041705
FILED SEPTEMBER 2, 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 17, 2004. The hearing officer determined that the respondent's (claimant) compensable (right hand) injury does extend to include carpal tunnel syndrome (CTS).

The appellant (carrier) appealed on sufficiency of the evidence grounds, citing medical reports contrary to the hearing officer's decision. The file does not contain a response from the claimant.

DECISION

Affirmed.

The claimant, a mold maker, sustained a compensable injury on _____, when he sustained a cut or laceration between the third (middle) and fourth (ring) fingers of his right hand. First aid was applied but the wound became infected. The claimant went to the doctor and a shot was administered but the infection continued out of control. The claimant was referred to surgery on April 23 and again on April 25, 2003. On May 16, 2003, the claimant began treating with Dr. S, a chiropractor. A NCV performed on August 11, 2003, showed very mild right CTS. The claimant was referred to Dr. D, a hand surgeon, who in a report dated September 30, 2003, gave fairly specific reasoning why he believed the claimant's CTS was caused by the initial laceration and complicated by the infection and subsequent operations, swelling, and immobilization. A carrier independent medical examination doctor, in a report dated February 16, 2004, reaches a contrary conclusion. Although there is reference to a normal EMG done in October 2003 that report is not in evidence. A designated doctor found that the claimant was not at maximum medical improvement in November 2003. The carrier challenges the credibility of Dr. S and the claimant's testimony.

The disputed issues in this case 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 (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). 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 **ROCHDALE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

RICHARD A. SHANNON
6409 STEERE TRAIL
AUSTIN, TEXAS 78749-1240.

_____
Thomas A. Knapp
Appeals Judge

CONCUR:

_____
Chris Cowan
Appeals Judge

_____
Veronica L. Ruberto
Appeals Judge