

APPEAL NO. 041803
FILED SEPTEMBER 1, 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 March 8, 2004. The hearing officer determined that the appellant's (claimant) _____, compensable injury does not extend to or include an injury in the form of a heart condition and cardiac arrhythmia, and that he did not have disability. The claimant appealed on sufficiency of the evidence grounds and the respondent (self-insured) responded, urging affirmance. The case had to be remanded to the hearing officer for reconstruction of the record. The remand hearing was held on July 2, 2004, at the same location, with the same hearing officer presiding. The hearing officer again determined that the compensable injury of _____, does not extend to or include an injury of a heart condition and cardiac arrhythmia, and that the claimant did not have disability. The claimant again appeals, and the self-insured responded, urging affirmance.

DECISION

Affirmed as reformed.

The parties stipulated that on _____, the claimant sustained a compensable injury in the form of a heat stroke. At issue was whether the compensable injury extended to and included an injury of a heart condition and cardiac arrhythmia and whether the claimant had disability. 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). The hearing officer specifically found that there is insufficient evidence to establish a causal link between the heat stroke experienced on _____, and the claimant's heart condition and cardiac arrhythmia. In view of the evidence presented, we cannot conclude that the hearing officer's determinations that the claimant did not have disability and that the compensable injury of _____, does not extend to or include an injury of a heart condition and cardiac arrhythmia 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).

We note that the hearing officer in Finding of Fact No. 4 incorrectly recites the carrier information provided by the self-insured and Finding of Fact No. 4 is reformed to reflect the carrier information as specified below.

We affirm the decision and order of the hearing officer.

According to information provided by the self-insured, 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).**

Margaret L. Turner
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Edward Vilano
Appeals Judge