APPEAL NO. 042137
FILED OCTOBER 14, 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 July 14, 2004. The hearing officer determined that the appellant's (claimant) compensable injury of _____, does not extend to an injury to the fourth or fifth fingers of the right hand. The claimant appealed the determination on sufficiency of the evidence grounds, arguing that the hearing officer's determination failed to consider all the evidence. The respondent (carrier) urges affirmance.

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable injury, bilateral trigger finger to the long finger, on _____. The claimant testified that she had sustained the injury after performing work activities requiring repetitive hand movements for several years. One of the activities required certain movements in cold temperatures. The claimant was initially treated by Dr. G. Eventually, she underwent two surgeries for her condition. Dr. G found her right middle finger at maximum medical improvement (MMI) on February 26, 2001, with an impairment rating (IR) of 0% and he found her left middle finger at MMI on July 5, 2001, with 0% IR. He noted that she was having some triggering of her right ring finger but that it was not too bad. In March 2003, claimant was referred to Dr. L who diagnosed carpal tunnel syndrome and triggering of fourth and fifth fingers of the right hand. He opined that her symptoms were an extension of the old injury or an aggravation of the old injury. There was testimony that the claimant had stopped working under cold conditions as of _____. A peer review doctor testified for the carrier that the trigger finger symptoms to the fourth and fifth fingers of the right hand could not have been caused by the bilateral triggering of the middle finger. He stated that each digit is a completely anatomically, separate entity. His testimony was that Dr. L found a different pathology than Dr. G found in June 2000.

The issue of extent of injury presented a question of fact for the fact finder. 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 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). The trier of fact may believe all, part, or none of the testimony of any witness. Aetna Insurance Company v. English, 204 S.W.2d 850 (Tex. Civ. App.-Fort Worth 1947, no writ). The hearing officer noted in her Background Information section of the decision

and order that while the current complaints/condition appear to be the same as the bilateral trigger finger to the long finger, the evidence was insufficient to show a causal connection between the current complaints and the compensable injury of _____. The hearing officer's determination is supported by the testimony of the peer review doctor. Nothing in our review of the record reveals that the hearing officer's determination is so contrary to the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. As such, no sound basis exists for us to reverse the determination on appeal. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **PETROLEUM CASUALTY COMPANY** and the name and address of its registered agent for service of process is

JOSEPH LALLO
4550 DACOMA STREET
HOUSTON, TEXAS 77092-8614.

_____
Thomas A. Knapp
Appeals Judge

CONCUR:

_____
Margaret L. Turner
Appeals Judge

_____
Edward Vilano
Appeals Judge