

APPEAL NO. 042279
FILED OCTOBER 28, 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 (CCH) was held on August 12, 2004. The hearing officer resolved the disputed issues by deciding that the appellant (claimant) did not sustain a compensable injury on _____, and that the respondent (carrier) is relieved from liability under Section 409.002 because of the claimant's failure to timely notify the employer pursuant to Section 409.001. The claimant appealed, disputing both the compensable injury and timely reporting determinations. The carrier responded, urging affirmance.

DECISION

Affirmed.

In her appeal, the claimant requests that the Appeals Panel call an individual listed and get additional information. Section 410.203(a)(1) requires the Appeals Panel to consider the record developed at the hearing. The claimant had an opportunity to present evidence at the CCH and chose not to present testimony from the individual listed in her appeal.

The questions of whether the claimant sustained a compensable injury and whether she timely reported her injury presented questions of fact for the hearing officer to resolve. Conflicting evidence was presented on the disputed issues. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the fact finder, the hearing officer was charged with the responsibility of resolving the conflicts and inconsistencies in the evidence and deciding what facts the evidence had established. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). The hearing officer could 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). The hearing officer was acting within her province as the fact finder in resolving the conflicts and inconsistencies in the evidence against the claimant. Nothing in our review of the record reveals that the challenged determinations are so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). Accordingly, no sound basis exists for us to disturb those determinations on appeal.

The hearing officer states in the Background Information paragraph that, "[e]ven if [she has] not discussed all of the evidence presented, [she has] considered all of it." We have previously stated that there is no requirement that the hearing officer discuss all the evidence. See Texas Workers' Compensation Commission Appeal No. 91076, decided December 31, 1991; Texas Workers' Compensation Commission Appeal No. 92185, decided June 18, 1992. We find no merit in the claimant's contention that the hearing officer did not consider all of her evidence.

We affirm the decision and order of the hearing officer.

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.**

Margaret L. Turner
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Veronica L. Ruberto
Appeals Judge