

APPEAL NO. 042337
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 was held on August 23, 2004. The hearing officer decided that the respondent's (claimant) compensable _____, injury extends to and includes her bilateral metacarpal trapezial arthritis, but does not extend to or include her cervical spine bulge at C3-4 or her lumbar spine retrolisthesis at L1-2. The appellant (carrier) has appealed the determination that the compensable injury includes the claimant's bilateral metacarpal trapezial arthritis. The claimant responded, urging affirmance of the disputed extent-of-injury determination. The determination that the injury did not extend to and include the cervical spine bulge or lumbar spine retrolisthesis was not appealed and has become final pursuant to Section 410.169.

DECISION

Affirmed.

The parties stipulated that on _____, the claimant sustained a compensable injury. The hearing officer's determination that the injury did not extend to the cervical spine bulge or lumbar spine retrolisthesis was not appealed and is not at issue. Whether the compensable injury extended to include her bilateral metacarpal trapezial arthritis was a question of fact for the hearing officer to resolve. The hearing officer is the trier of fact and is the sole judge of the relevance and materiality of the evidence and of the weight and credibility to be given to the evidence. Section 410.165(a). Where there are conflicts in the evidence, the hearing officer resolves the conflicts and determines what facts the evidence has established. 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 (Tex. Civ. App.-Amarillo 1977, writ ref'd n.r.e.); Aetna Insurance Company v. English, 204 S.W.2d 850 (Tex. Civ. App.-Fort Worth 1947, no writ). The Appeals Panel will not disturb the challenged factual findings of a hearing officer unless they 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); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951).

The hearing officer was persuaded that the compensable injury extended to include the claimant's bilateral metacarpal trapezial arthritis. The hearing officer specifically found that the claimant's left and right thumb conditions (metacarpal trapezial arthritis) were aggravated by and naturally resulted from her _____, injury. Nothing in our review of the record reveals that the disputed determination is so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to disturb the challenged extent-of-injury

determination on appeal. Cain, supra; Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986).

We affirm the decision and order of the hearing officer.

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, SUITE 2900
DALLAS, TEXAS 75201.**

Margaret L. Turner
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Veronica L. Ruberto
Appeals Judge