APPEAL NO. 000131

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 December 30, 1999. The issues at the CCH were whether the respondent (claimant) sustained a compensable injury in the form of an occupational disease, the date of such injury, whether the claimant gave timely notice of injury, and whether the claimant had disability. The hearing officer determined that the claimant sustained a compensable injury (repetitive trauma injury to the wrists), that the date of injury was (alleged date of injury), that she timely reported the injury on July 8, 1999, and that she had disability from July 8, 1999, through July 30, 1999. Appellant (carrier) appeals the hearing officer's findings of fact and conclusions on all issues, urging that the claimant failed to prove a compensable injury, the date of the injury as found by the hearing officer, timely notice, and disability. No response is on file.

DECISION

Affirmed.

The claimant, a school bus driver, claims a repetitive trauma injury to her wrists as a result of her job-related duties involving driving a school bus which was hard to steer. She had been involved in a rear-end collision in April 1998 and had suffered continuing problems, particularly with the cervical, shoulder, and arm areas. She states that her wrists started bothering her and became swollen but she thought it was part of the 1998 injury until she was seen and diagnosed with carpal tunnel syndrome (CTS), initially around _____. She stated that although some medical records referred to wrist problems as early as February 1999, she did not think she had a new injury from her bus driving activity until (alleged date of injury), when she noticed her wrists were swollen and she experienced, according to a medical report, numbness, tingling and pain. On _____, she saw her doctor and had a diagnostic test that indicated CTS was likely. Subsequently diagnostic tests also indicated CTS. She advised her employer of this but did not indicate her wrists problems were work related. Subsequently, on July 8, 1999, she was taken off work and, according to her testimony, went to the employer with the medical report and was told it should be filed as a new injury and not as part of the 1998 injury.

A June 18, 1999, report from a neurologist indicates that the "findings of the median neuropathy in both wrists, in this case, are most likely due to the type of work that the patient does which is driving a school bus." Pursuant to her request and because liability was denied, the claimant was released to work on July 30, 1999, although she testified she is still having problems with her wrists.

The hearing officer found that the claimant sustained a compensable repetitive trauma injury on (alleged date of injury), the date she first knew or should have known her

occupational disease (repetitive trauma injury) may be related to her employment. We conclude that there was sufficient evidence in the claimant's testimony and the medical evidence to support a finding of a compensable injury, although a different inference might find some support in the evidence. Texas Workers' Compensation Commission Appeal No. 94466, decided May 25, 1994. Resolving conflicts in the evidence is a matter for the hearing officer. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ); Section 410.165(a). With regard to the date of injury, although there were references to a number of complaints to body parts, including the wrists, subsequent to the 1998 injury, the hearing officer apparently was convinced by the claimant's testimony (and including the later medical reports) that the claimant reasonably related her wrists as a distinct, new injury from her bus driving activity on (alleged date of injury), and not before since she was under ongoing treatment for the 1998 injury and thought it was related to that injury. Under the circumstances, we can neither conclude this was unreasonable nor can we hold that the hearing officer's finding is so against the great weight and preponderance of the evidence as to be clearly wrong or unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). With the date of injury established as not earlier than (alleged date of injury), and the preponderant evidence of notice of the injury to the employer on July 8, 1999, there is sufficient evidence to support the hearing officer's finding and conclusion that timely notice was given and that the carrier was not relieved of liability. The evidence also established that the claimant was taken off work on July 8, 1999, and was not released until July 30, 1999, a sufficient basis for determining disability for that period. From our review of the evidence we conclude, contrary to the position advanced by the carrier, that there is sufficient evidence to support the findings and conclusions of the hearing officer. Texas Workers' Compensation Commission Appeal No. 92083, decided April 16, 1992. Accordingly, the decision and order are affirmed.

Stark O. Sanders, Jr.
Chief Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Alan C. Ernst
Appeals Judge