

APPEAL NO. 001102

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 May 3, 2000. The hearing officer determined that the respondent (claimant) sustained a compensable injury in the form of an occupational disease on _____; and that the claimant had disability from November 29, 1999, and continuing through the date of the CCH. The appellant self-insured ("carrier" herein) appealed these adverse determinations. The file does not contain a response from claimant.

DECISION

We affirm.

Carrier contends the hearing officer erred in determining that claimant sustained a compensable occupational disease injury. The hearing officer summarized and discussed the facts in her decision and order. Briefly, there was evidence that claimant worked as an inventory auditor and that, while working, she repetitively used her thumb to press a button on a computer device strapped to her wrist. Claimant underwent EMG testing and her treating doctor, Dr. C, diagnosed carpal tunnel syndrome. Dr. C noted a positive Tinel's sign and a radiology report noted soft-tissue swelling along the palmar aspect of the right wrist.

The applicable law regarding injury and our standard of review are set forth in Johnson v. Employers Reinsurance Corporation, 351 S.W.2d 936 (Tex. Civ. App.-Texarkana 1961, no writ); Texas Workers' Compensation Commission Appeal No. 92083, decided April 16, 1992; Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); and Texas Workers' Compensation Commission Appeal No. 950456, decided May 9, 1995.

The matters carrier raises in its brief involve credibility and fact issues, which the hearing officer resolved. A review of the decision and order indicates that the hearing officer found that the credible evidence established that claimant sustained a work-related injury. The hearing officer was acting within her province as fact finder in deciding what evidence she believed. Carrier is asking the Appeals Panel to review the evidence to see whether certain medical evidence and testimony is credible. However, the Appeals Panel cannot do that because the hearing officer is the sole judge of the credibility of the evidence and her determinations are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain. The positive Tinel's sign, EMG testing, and radiology reports certainly support the hearing officer's determinations.

Carrier contends that claimant did not have disability because she did not have a compensable injury. We have already affirmed the determination that claimant sustained a compensable injury. Therefore, we affirm the disability determination.

We affirm the hearing officer's decision and order.

Judy L. Stephens
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Robert E. Lang
Appeals Judge