

## APPEAL NO. 001907

On June 19 and July 21, 2000, a contested case hearing (CCH) was held. The CCH was held under the provisions of the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* The hearing officer resolved the disputed issues by deciding that the appellant (claimant) did not sustain a compensable injury on \_\_\_\_\_; that the date of injury was \_\_\_\_\_; that the claimant timely reported the alleged injury to the respondent (self-insured); and that the self-insured waived the right to contest compensability on the basis of timely reporting. The claimant requests that the hearing officer's decision that she did not sustain a compensable injury on \_\_\_\_\_, be reversed and that a decision on that issue be rendered in her favor. The self-insured requests that the hearing officer's decision be affirmed. There is no appeal of the hearing officer's decision that the claimant timely reported her alleged injury to the self-insured; that the correct date of injury is \_\_\_\_\_; and that the self-insured waived the right to contest compensability on the basis of timely reporting.

### DECISION

Affirmed.

The claimant testified that she has been employed by the self-insured since 1991 and that her job involves teaching parents to teach their children. She said her job includes role playing; typing on a computer 15 to 18% of her work hours; working overtime; writing reports by hand 80% of her work hours; visiting families; counting, sorting, and distributing materials; answering the telephone; and doing repetitive paperwork. The claimant said that on June 11, 1999, while she was out of town, her hands and feet went numb. Dr. R, the claimant's family doctor, referred her to Dr. C for electrodiagnostic testing, which was done on July 12, 1999, and Dr. C diagnosed the claimant as having bilateral carpal tunnel syndrome (CTS).

The claimant saw Dr. O on \_\_\_\_\_, and he also diagnosed the claimant as having bilateral CTS. The claimant said that she told Dr. O about the repetitive work she does and that Dr. O told her that her CTS is work related. Dr. O wrote on January 20, 2000, that, after reviewing the claimant's records and the type of work the claimant does, as related to him by the claimant, it appears that her CTS is definitely work induced.

Dr. K reviewed claimant's medical records at the request of the self-insured and he wrote that the claimant has bilateral CTS but that he could not determine the cause. Dr. K wrote that the claimant's CTS could be related to work activity, but that if her work activity is not particularly repetitive and simply involves writing and occasional keyboarding or typing, then it is likely that the claimant's work is not the source of her problem.

The claimant claims a repetitive trauma injury, which is defined in Section 401.011(36). The claimant had the burden to prove that she sustained an injury in the course and scope of her employment. The claimant appeals the hearing officer's findings

that, at no time while the claimant worked for the self-insured, through and including \_\_\_\_\_, did the claimant injure her wrists as a result of alleged repetitive work for the self-insured, and that there is no causal connection between the claimant's work for the self-insured and the claimant's bilateral CTS. The claimant also appeals the hearing officer's conclusion that the claimant did not sustain a compensable injury on \_\_\_\_\_.

There is conflicting evidence in this case. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the trier of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established from the evidence presented. We conclude that the hearing officer's decision that the claimant did not sustain a compensable injury is supported by sufficient evidence and that it is not so contrary to the overwhelming weight of the evidence as to be clearly wrong and unjust.

The hearing officer's decision and order are affirmed.

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Robert W. Potts  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Judy L. Stephens  
Appeals Judge