

APPEAL NO. 002051

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 8, 2000. The hearing officer determined that the respondent (claimant) sustained an occupational disease injury to both wrists with a date of injury of _____, and that she had disability from February 4, 2000, to May 10, 2000. Appellant (carrier) appealed these determinations on sufficiency grounds. 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, repetitive trauma injury. Carrier contends that: (1) claimant did not meet her burden to prove a repetitive trauma injury; (2) at most, claimant had a wrist strain; (3) the Texas Workers' Compensation Commission's required medical examination doctor, Dr. D, a hand specialist, found no carpal tunnel syndrome symptoms; (4) claimant's EMG report showed studies within normal limits; (5) there was evidence that claimant did not perform very much typing or repetitive work; and (6) claimant did not have disability. The applicable law and our appellate standard of review in a case involving CTS are discussed in Texas Workers' Compensation Commission Appeal No. 981974, decided October 1, 1998.

We conclude that there is sufficient evidence to support the hearing officer's determination that claimant sustained a compensable injury in the course and scope of her employment. Appeal No. 981974. Claimant testified that she typed throughout the day and said that she had continuing bilateral wrist pain. There was also evidence that claimant's work did not involve repetitive work. In a February 2000 report, Dr. L stated that claimant had a positive Tinel's test bilaterally and bilateral sensory deficit. Medical notes from Dr. BR indicate that he was treating claimant for inflammation of her wrists in March 2000. There was medical evidence in carrier's favor from Dr. BL and Dr. D. However, the hearing officer determined the credibility of the evidence and decided what weight to give to each medical report. The hearing officer determined that claimant's job duties were repetitive, judged the credibility of the evidence, and determined whether claimant sustained a repetitive trauma injury. The hearing officer's determinations in this regard are not 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). Carrier also contended that claimant did not have disability because Dr. D said she could return to work. However, the hearing officer judged the credibility of the evidence and determined what facts were established regarding disability. Claimant said that she did not think she could return to work, but that she might be able to after treatment. We conclude that the hearing officer's disability determination is not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain, supra.

We affirm the hearing officer's decision and order.

Judy L. Stephens
Appeals Judge

CONCUR:

Tommy W. Lueders
Appeals Judge

Robert W. Potts
Appeals Judge