

APPEAL NO. 002277

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 31, 2000. The hearing officer determined that the appellant (claimant) sustained a compensable repetitive trauma bilateral carpal tunnel syndrome injury, but that she did not have disability. The hearing officer also determined that the respondent (carrier) was not relieved of liability due to failure to report the injury and that claimant did not make a knowing election of remedies. Claimant appealed only the disability determination on sufficiency grounds. Carrier responded that the Appeals Panel should affirm the hearing officer's decision and order.

DECISION

We affirm.

Claimant contends the hearing officer erred in determining that she did not have disability. Claimant asserts that she had disability from May 3, 2000, through the date of the hearing. The applicable standard of review and the law regarding disability is discussed in Texas Workers' Compensation Commission Appeal No. 001937, decided September 29, 2000.

Claimant testified that she sustained a repetitive trauma injury to her hands while working as a cashier. The hearing officer determined that: (1) claimant continued to work after being diagnosed with the repetitive trauma injury; (2) claimant's injury did not cause her to be unable to obtain and retain employment at wages equivalent to the preinjury wage; and (3) claimant did not have disability. There was evidence that employer terminated claimant's employment on April 10, 2000, after a positive drug screen. Claimant emphasized that Dr. A took her off work, as indicated in a May 3, 2000, report. The hearing officer judged the credibility of the evidence and determined what facts were established. He considered whether claimant had disability beginning on May 3, 2000, and resolved this issue against claimant. We have reviewed the record and 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 v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

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