

APPEAL NO. 002564

This appeal arises under the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). On October 2, 2000, a hearing was held. The hearing officer resolved the disputed issue by deciding that the appellant (claimant) did not sustain a compensable injury in the form of an occupational disease or otherwise on \_\_\_\_\_, or on any other relevant date. The claimant appealed. The respondent (carrier) responded.

DECISION

Affirmed.

According to the claimant's testimony and medical records, the claimant sustained a work-related injury in April 1999 while working as a medical underwriter. The claimant said that the injury included her low back, shoulders, and bilateral carpal tunnel syndrome and that she was treated by Dr. B. The claimant testified that Dr. B released her to return to work for four hours a day with restrictions on January 27, 2000. The claimant said that when she returned to work, she performed her usual work duties as a medical underwriter. The claimant said that her workstation was not positioned properly, that she had to reach under her desk to retrieve papers from the computer printer, that she had to look to her left and right and up and down while working with two computers, and that as a result of those work activities she sustained a repetitive trauma neck injury on \_\_\_\_\_.

The claimant went to Dr. H, a chiropractor, for treatment of her claimed neck injury and Dr. H wrote that in his opinion the claimant sustained a neck injury on \_\_\_\_\_, due to incorrect ergonomics at her workstation. Dr. H referred the claimant to Dr. W, who diagnosed a cervical strain.

The claimant said that she did not have neck pain prior to returning to work in January 2000. Dr. B's records reflects that the claimant complained of neck problems prior to returning to work in January 2000 and a cervical MRI done in September 1999 showed two herniated discs.

With regard to the claimant's current claim of a repetitive trauma injury to her neck with a date of injury of \_\_\_\_\_, the hearing officer found that the claimant did not sustain an injury or an aggravation of a previous condition on \_\_\_\_\_, or on any other relevant date, and concluded that the claimant did not sustain a compensable injury in the form of an occupational disease or otherwise on \_\_\_\_\_ or on any other relevant date.

The claimant had the burden to prove that she sustained an injury in the course and scope of her employment. Conflicting evidence was presented 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 is supported by sufficient evidence and that it is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

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Robert W. Potts  
Appeals Judge

CONCUR:

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Kathleen C. Decker  
Appeals Judge

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Susan M. Kelley  
Appeals Judge