

APPEAL NO. 002566

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 October 12, 2000. The appellant (self-insured employer) has appealed. The file does not contain a response from the respondent (claimant).

DECISION

Affirmed.

The self-insured employer contends on appeal that the evidence is insufficient to support the hearing officer's determinations that on _____, the claimant sustained a repetitive trauma injury to her "right upper extremity including her right hand and right wrist" in the course and scope of her employment; that the claimant initially trivialized her injury and did not report it to the employer until _____, a date more than 30 days after the date of injury; and that the claimant had good cause for failing to timely report her injury. The parties stipulated that the claimant reported her injury of _____, to her employer on _____.

Given the claimant's testimony that she machine sewed pockets on trousers for the self-insured employer for over seven years at the rate of approximately 1,300 repetitions each shift and the support in her medical records relating her right upper extremity injury to her repetitious work activities, we are satisfied that the evidence is sufficient to support the challenged factual finding and conclusion of law on the injury issue. In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951). Further, given the claimant's testimony that she initially attributed the pain and swelling in her right hand and wrist to her "tiredness"; that sometime between _____ and _____, she realized that the source of her pain was her repetitious work activities; and that she reported the injury to her employer on _____, we also find the evidence sufficient to support the appealed factual findings concerning the claimant's trivializing the injury and good cause and the legal conclusion concerning the timely notice issue.

The disputed issue was whether the claimant sustained a compensable repetitive trauma injury to her bilateral upper extremities including hands, wrists, shoulders, and cervical spine on _____; the hearing officer determined that the claimant did sustain a compensable repetitive trauma injury to her right upper extremity including her right hand and right wrist. The self-insured employer asks that the Appeals Panel either restate this determination to more specifically identify the body parts found to be injured or remand for the hearing officer to do so. Finding sufficient clarity in the hearing officer's decision and order, we decline to take either course of action.

The hearing officer's decision and order are affirmed.

Philip F. O'Neill
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Robert E. Lang
Appeals Panel
Manager/Judge