APPEAL NO. 002613

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on August 31, 2000. The issues at the CCH were whether the respondent (claimant) sustained a compensable injury in the form of an occupational disease, and whether the appellant (self-insured) was discharged from liability for the injury because of the claimant's failure to timely notify her employer of her injury.

The hearing officer held that the claimant sustained a repetitive trauma injury on _____, and gave timely notice of her injury to her supervisor.

The self-insured has appealed, arguing facts it believes refute the hearing officer's findings. The claimant responds that the decision should be affirmed.

DECISION

We affirm the hearing officer's decision.

The claimant testified about the pricing activities she performed for (employer) involving the use of a handheld scanner and pricer machine, which entailed a squeezing motion when used. She worked ten-hour days, four days a week. There was also evidence offered that her hobby was sewing costumes at home. The claimant stated that she informed her immediate supervisor of a work-related carpal tunnel syndrome (CTS) injury on _____. Ms. R, who said she was the person charged with taking workers' compensation claims and reports, said that she was formally informed of the claimant's injury on _____, although she was "informally" informed of it back in _____. She maintained that although the claimant was referred to her by her supervisor, Ms. R did not know or suspect that the cause of the asserted CTS was work-related.

The burden is on the claimant to prove that an injury occurred within the course and scope of employment. Service Lloyds Insurance Co. v. Martin, 855 S.W.2d 816 (Tex. App.-Dallas 1993, no writ); Texas Employers Insurance Association v. Page, 553 S.W.2d 98 (Tex. 1977). A claimant's testimony alone may establish that an injury has occurred, and disability has resulted from it. Houston Independent School District v. Harrison, 744 S.W.2d 298, 299 (Tex. App.-Houston [1st Dist.] 1987, no writ). Generally, lay testimony establishing a sequence of events which provides a strong, logically traceable connection between the event and the condition is sufficient proof of causation. Morgan v. Compugraphic Corp., 675 S.W.2d 729, 733 (Tex. 1984).

The hearing officer is the sole judge of the relevance, the materiality, weight, and credibility of the evidence presented at the hearing. Section 410.165(a). The decision should not be set aside because different inferences and conclusions may be drawn upon review, even when the record contains evidence that would lend itself to different

inferences. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ).

In considering all the evidence in the record, we cannot agree that the findings of the hearing officer are so against the great weight and preponderance of the evidence as to be manifestly wrong and unjust. In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951).

We, therefore, affirm the decision and order.

Susan M. Kelley
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Philip F. O'Neill
Appeals Judge