

## APPEAL NO. 002745

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 November 7, 2000. With respect to the issues before her, the hearing officer determined that the respondent (claimant) sustained a compensable repetitive trauma injury with a date of injury of \_\_\_\_\_, and that she had disability as a result of her compensable injury from August 13, 2000, through the date of the hearing. In its appeal, the appellant (carrier) argues that the hearing officer's injury and disability determinations are against the great weight of the evidence. The appeal file does not contain a response to the carrier's appeal from the claimant.

### DECISION

Affirmed.

The carrier contends that the hearing officer's determination that the claimant sustained a compensable injury is against the great weight of the evidence. The 1989 Act provides that the hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). The hearing officer reviews the evidence, assess its weight and credibility, and determines what facts the evidence has established. As an appeals body, we will not substitute our judgment for that of the hearing officer when the determinations are not so against the overwhelming weight of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Texas Workers' Compensation Commission Appeal No. 950456, decided May 9, 1995. Reviewing the hearing officer's injury determination under that standard, we find no sound basis to disturb that determination on appeal because the hearing officer was acting within her province as the fact finder in accepting the claimant's testimony as to the repetitive nature of the job she performed for the employer and the other evidence tending to establish a causal connection between the claimant's right wrist and right elbow conditions and her employment.

The success of the carrier's challenge to the disability determination is premised upon the success of its argument that the claimant did not sustain a compensable injury. Given our affirmance of the injury determination, we likewise affirm the determination that the claimant had disability from August 13, 2000, through the date of the hearing.

The hearing officer's decision and order are affirmed.

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Elaine M. Chaney  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Judy L. Stephens  
Appeals Judge