

## APPEAL NO. 002918

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). On December 6, 2000, a hearing was held. The hearing officer decided that the respondent (claimant) sustained a compensable occupational disease; that the date of the injury was \_\_\_\_\_; that the claimant had disability resulting from the compensable injury from \_\_\_\_\_, through August 31, 2000; and that the claimant timely reported the injury to her employer. The appellant (carrier) appealed. Although the carrier appealed all determinations and conclusions of law favorable to the claimant, the carrier's brief addresses only the issue of whether the claimant sustained a repetitive trauma injury in the course and scope of her employment. There is no response in the file from the claimant.

### DECISION

We affirm the hearing officer's decision and order.

The hearing officer's decision contains the following findings of fact:

2. Claimant sustained a work related injury in the form of an occupational disease, bi-lateral carpal tunnel syndrome [CTS], which was caused by repetitive trauma in the course and scope of employment.
3. Due to the claimed injury Claimant was unable to obtain or [sic] retain employment at wages equivalent to claimant's pre-injury wage beginning on \_\_\_\_\_ and continuing through August 31, 2000.
4. Claimant knew or should have known her bi-lateral [CTS] may be related to her employment on \_\_\_\_\_.
5. Claimant reported her work related injury to her employer on \_\_\_\_\_.
6. Claimant reported her injury to her employer timely.

The hearing officer's decision then sets forth the following conclusions of law:

3. The Claimant sustained a compensable injury in the form of an occupational disease.
4. Claimant had disability beginning on \_\_\_\_\_ and continuing through August 31, 2000.

5. The date of injury, pursuant to Texas Labor Code Ann. § 408.007, the date Claimant knew or should have known the disease may be related to the employment is \_\_\_\_\_.
6. The Carrier is not relieved from liability under Texas Labor Code Ann. Sec. 409.002 because of [sic] the Claimant notified his [sic] employer pursuant to Sec. 409.001.

Conflicting evidence was adduced at the hearing concerning the claimant's job duties. After the claimant's treating doctor, Dr. G, diagnosed bilateral CTS, Dr. G referred the claimant to Dr. O, an orthopedic surgeon. Dr. O's evaluation and diagnosis is subject to some interpretation, but appears to confirm Dr. G's diagnosis of mild bilateral CTS.

The hearing officer is the sole judge of the weight and credibility to be given to the evidence. Section 410.165(a). A claimant's testimony is not conclusive but only raises a factual issue for the trier of fact. Texas Workers' Compensation Commission Appeal No. 91065, decided December 16, 1991. The trier of fact may believe all, part, or none of any witness's testimony. Taylor v. Lewis, 553 S.W.2d 153 (Tex. Civ. App.-Amarillo 1977, writ ref'd n.r.e.). This is equally true regarding medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). Only were we to conclude, which we do not in this case, that the hearing officer's determinations were so against the great weight and preponderance of the evidence as to be manifestly unjust would there be a sound basis to disturb those determinations. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

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Kenneth A. Huchton  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Robert E. Lang  
Appeals Panel  
Manager/Judge