

APPEAL NO. 010053

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). On December 7, 2000, a hearing was held. The hearing officer decided that the appellant (claimant) had not sustained an occupational disease, in the form of a repetitive trauma injury, in the course and scope of her employment and had not had disability. The claimant appealed, asserting that the hearing officer's decision is against the great weight of the evidence. The respondent (carrier) urges that we affirm the hearing officer's decision.

DECISION

We affirm the hearing officer's decision and order.

The claimant suffers from degenerative changes in the triangular fibrocartilage of the left forearm. The claimant contends that this condition is a repetitive trauma injury which she sustained by working as an associate support engineer for employer. The claimant's job consisted of answering telephone calls from an Internet service provider's customers, keying in a short phrase describing the problem the customer was experiencing, then asking a series of questions suggested by the computer software. In response to each question, the claimant would point and click on the appropriate answer, either yes or no. The claimant testified that she would handle less than ten calls per hour and that each call would average seven and one-half minutes each. In the course of each call, the claimant would type between 5 to 20 words.

The hearing officer determined that the claimant failed to prove that her employment involved repetitive physical trauma, that she failed to prove that there is a causal connection between her employment and the degenerative changes in the triangular fibrocartilage of her left forearm, that she did not sustain a compensable injury, and that she did not have disability. The 1989 Act provides that the hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). Based upon our review of the evidence presented at the hearing, we do not find that the hearing officer's findings are so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

Kenneth A. Huchton
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Philip F. O'Neill
Appeals Judge