

APPEAL NO. 010658

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 March 8, 2001. The hearing officer determined that the appellant (claimant) did not sustain a compensable mental trauma injury on or about \_\_\_\_\_. The claimant has appealed this determination. The respondent (carrier) urges affirmance.

DECISION

Affirmed.

While a specific stressful incident of sufficient magnitude occurring on the job can result in a compensable mental trauma injury, repetitive mentally traumatic activity or stressful events do not constitute a compensable injury. Texas Workers' Compensation Commission Appeal No. 981423, decided August 10, 1998; Texas Workers' Compensation Commission Appeal No. 950011, decided February 15, 1995. Whether an activity or incident amounts to a specific traumatic event which causes a subsequent mental condition is a question of fact for the hearing officer to decide from all the evidence before him or her. Appeal No. 981423, *supra*. The 1989 Act provides that the hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As an appeals body, we will not substitute our judgment for that of the hearing officer unless the determination is 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. We do not so find, and, accordingly, the decision and order of the hearing officer are affirmed.

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Michael B. McShane  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Philip F. O'Neill  
Appeals Judge