

APPEAL NO. 010675

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. With respect to the single issue before her, the hearing officer determined that the respondent (claimant) sustained a compensable injury to her left wrist and elbow in addition to her right wrist and elbow on _____. In its appeal, the appellant (carrier) contends that the hearing officer's determination that the claimant sustained a compensable left wrist and elbow injury is 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 hearing officer did not err in determining that the claimant injured her left wrist and elbow in addition to her right wrist and elbow as a result of having performed repetitively traumatic activities at work. The issue presented a question of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence under Section 410.165(a). It was a matter for the hearing officer to resolve the conflicts and inconsistencies in the evidence and to determine what facts the evidence established. The factors emphasized by the carrier in its appeal were also emphasized at the hearing. The significance, or lack thereof, of those factors on the hearing officer's determination of the weight and credibility to assign to the evidence was a matter left to her discretion. The challenged determination is not so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Therefore, no sound basis exists for us to disturb the determination that the claimant also sustained a compensable injury to her left wrist and elbow in addition to her right wrist and elbow with a date of injury of _____. Pool v. Ford Motor Co., 715 S.W.2d 629, 635 (Tex. 1986); Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

Elaine M. Chaney
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Philip F. O'Neill
Appeals Judge