

APPEAL NO. 011310
FILED JULY 18, 2001

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). Following a contested case hearing held on May 17, 2001, with the record closing on May 24, 2001. The hearing officer resolved the disputed issues by determining that the respondent (claimant) sustained a compensable injury in the form of an occupational disease; that the date of the injury is _____; and that the claimant had disability beginning on November 29, 2000, and continuing through the date of the hearing. The appellant (carrier) has appealed these determinations on sufficiency of the evidence grounds while the claimant responds that the evidence is sufficient to warrant an affirmance.

DECISION

Affirmed.

The hearing officer did not err in reaching the appealed determinations. The claimant testified that although she commenced employment with the employer as a hair dresser in January 2000, she has worked as a hair dresser for 15 years; that she worked five days a week with substantial overtime; that her duties included washing, shampooing, cutting, curling, coloring, and braiding hair, which involved the near constant use of her hands; and that by November 26, 2000, the pain and tingling in her left hand, elbow, and shoulder became so intense she had to call in sick on November 29, 2000, and go to a doctor. She further stated that she sought treatment on that date with Dr. M, who took her off work and has not released her to return to work. Dr. M's records reflect the diagnosis of carpal tunnel syndrome. Dr. C wrote on February 27, 2001, that the claimant has a combination of thoracic outlet and carpal tunnel syndromes which is consistent with the repetitive work she does as a hair dresser.

The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence (Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ)). We are satisfied that the challenged determinations are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951).

The decision and order of the hearing officer are affirmed.

Philip F. O'Neill
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Michael B. McShane
Appeals Judge