

APPEAL NO. 011326  
FILED JULY 19, 2001

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 April 17, 2001. With respect to the issues before her, the hearing officer determined that (1) the respondent (claimant) sustained a compensable injury in the form of a repetitive trauma injury, (2) the date of the injury was \_\_\_\_\_, (3) the claimant timely notified her employer of her injury, and (4) the claimant did not have disability resulting from the injury sustained. The appellant (carrier) appeals, contending that the hearing officer's determinations on all the issues except disability are against the great weight and preponderance of the evidence. The hearing officer's determination on disability has not been appealed and has become final. Section 410.169. There is no response from the claimant.

DECISION

Finding sufficient evidence to support the decision of the hearing officer and no reversible error in the record, we affirm the decision and order of the hearing officer.

This case turns on whether the claimant suffered a compensable injury on \_\_\_\_\_. This is an issue of fact. Section 410.165(a) provides that the contested case hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as of the weight and credibility that is to be given the evidence. The fact that the claimant suffered a repetitive trauma injury is supported by the testimony of the claimant as well as medical reports from Dr. N and Dr. H.

In addition, the claimant testified that she knew her injury was work related on \_\_\_\_\_, when she went to the doctor. The carrier contends there was conflicting evidence from the claimant regarding the date of injury. It was the province of the hearing officer to resolve any conflicting evidence. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). The question under our standard of review was whether the hearing officer's determinations were 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). Applying this standard, we find sufficient evidence to support the hearing officer's decision.

The decision and order of the hearing officer are affirmed.

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Gary L. Kilgore  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Michael B. McShane  
Appeals Judge