

APPEAL NO. 011559
FILED AUGUST 27, 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 (CCH) was held on June 14, 2001. The hearing officer resolved the disputed issues by deciding that the respondent (claimant) sustained a compensable repetitive trauma injury with a date of injury of _____, and that the claimant has had disability from April 18, 2000, through the date of the CCH. The appellant (carrier) appealed and the claimant responded.

DECISION

The hearing officer's decision is affirmed.

Conflicting evidence was presented at the CCH on the disputed issues. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established from the evidence presented. The hearing officer's decision that the claimant sustained a compensable repetitive trauma injury as defined by Section 401.011(10) and (36) and has had disability as defined by Section 401.011(16) from April 18, 2000, through the date of the CCH is supported by the claimant's testimony and the reports of the treating doctor and referral doctors. The hearing officer's decision is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust.

The hearing officer's decision and order are affirmed.

Robert W. Potts
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Gary L. Kilgore
Appeals Judge