

APPEAL NO. 011755
FILED SEPTEMBER 11, 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 July 3, 2001. The hearing officer resolved the disputed issues by deciding that the respondent's (claimant) compensable injury of _____, extends to and includes an injury to the claimant's right elbow and right wrist, and that the claimant had disability from August 9, 2000, through October 30, 2000. The appellant (carrier) appealed and the claimant responded. The parties stipulated that the employer did not tender a bona fide offer of employment to the claimant.

DECISION

The hearing officer's decision is affirmed.

A repetitive trauma injury is defined in Section 401.011(36). It is undisputed that the claimant sustained a repetitive trauma injury at work using a nail gun and cutting shears, and that the date of injury was _____. The parties stipulated that the claimant sustained a compensable injury to her right shoulder. The issues before the hearing officer regarded the extent of the compensable injury and whether the claimant had disability.

The hearing officer determined that the claimant's compensable injury extends to her right elbow and right wrist. We have held that the question of the extent of injury is a question of fact for the hearing officer. Texas Workers' Compensation Commission Appeal No. 93613, decided August 24, 1993. The hearing officer's decision on the extent-of-injury issue is supported by the claimant's testimony and the reports of her treating doctor.

With respect to the disability determination, Section 401.011(16) defines "disability" as "the inability because of a compensable injury to obtain and retain employment at wages equivalent to the preinjury wage." The hearing officer's decision on the disability issue is supported by the claimant's testimony and the medical records.

Conflicting evidence was presented regarding the 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's compensable injury extends to and includes an injury to her right elbow and right wrist, and that the claimant had disability from August 9, 2000, through October 30, 2000, 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.

The true corporate name of the insurance carrier is **AMERICAN MANUFACTURERS MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is:

**CORPORATION SERVICE COMPANY
800 BRAZOS
AUSTIN, TEXAS 78701**

Robert W. Potts
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Thomas A. Knapp
Appeals Judge