

APPEAL NO. 012247
FILED NOVEMBER 8, 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 September 5, 2001. With respect to the issues before him, the hearing officer determined that the respondent (claimant) sustained a compensable repetitive trauma injury with a date of injury of _____, and that the claimant had disability, as a result of her compensable injury, from _____, through the date of the hearing. In its appeal, the appellant (self-insured) argues that the hearing officer's injury and disability determinations are against the great weight of the evidence. The appeal file does not contain a response from the claimant.

DECISION

Affirmed.

The issues of whether the claimant sustained a compensable injury and whether she had disability were questions of fact for the hearing officer. The hearing officer is the sole judge of the relevance and materiality of the evidence and of its weight and credibility. Section 410.165(a). The hearing officer resolves conflicts and inconsistencies in the evidence and decides what facts the evidence has established. Texas Employers Ins. Ass'n v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). Generally, injury and disability may be proven by the testimony of the claimant alone, if it is believed by the hearing officer. Gee v. Liberty Mut. Fire Ins. Co., 765 S.W.2d 394 (Tex. 1989). When reviewing a hearing officer's decision, we will reverse such decision only if it is so contrary to the overwhelming weight of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Pool v. Ford Motor Co., 715 S.W.2d 629, 635 (Tex. 1986).

The carrier contends that the injury and disability determinations are against the great weight of the evidence. In so arguing, the carrier emphasizes the same factors on appeal as it emphasized at the hearing. The significance, if any, of those factors was a matter left to the hearing officer in determining whether the claimant had sustained her burden of proof on each issue. The hearing officer was persuaded by the claimant's testimony and the evidence from the claimant's treating doctor, that the claimant sustained her burden of proving that the repetitively traumatic activities she performed as a custodian for the self-insured caused damage or harm to her bilateral upper extremities. Our review of the record does not demonstrate that the challenged determinations are so contrary to the great weight of the evidence as to be clearly wrong or manifestly unjust. Therefore, no sound basis exists for us to reverse those determinations on appeal. Cain; Pool.

The hearing officer's decision and order are affirmed.

The true corporate name of the self-insured is **(SELF-INSURED)** and the name and address of its registered agent for service of process is

**SUPERINTENDENT
ADDRESS
CITY, TEXAS ZIP CODE.**

Elaine M. Chaney
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Robert W. Potts
Appeals Judge