

APPEAL NO. 012282
FILED OCTOBER 26, 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 August 22, 2001. At the request of the parties, the hearing was held on disputed issues relating to three workers' compensation claims of the appellant/cross-respondent (claimant).

With regard to the disputed issues related to the claim for a _____, compensable injury, the hearing officer decided that the claimant did not sustain an injury while in the course and scope of her employment on _____, that because the claimant did not sustain a compensable injury, she did not have disability; that the claimant is not barred from pursuing workers' compensation benefits under the doctrine of election of remedies; and that the respondent/cross-appellant (carrier) is relieved of liability under Section 409.002 because of the claimant's failure to timely notify her employer of an injury under Section 409.001.

With regard to the disputed issues related to the claim for a repetitive trauma injury, with a date of injury of _____, the hearing officer decided that the claimant sustained a compensable repetitive trauma injury, with a date of injury of _____; that the claimant had disability as a result of her repetitive trauma injury from April 16, 2001, through July 31, 2001; that the claimant is not barred from pursuing workers' compensation benefits under the doctrine of election of remedies; and that the carrier is not relieved of liability under Section 409.002, because the claimant timely notified her employer of her injury under Section 409.001.

With regard to the disputed issues related to the claim for an _____, compensable injury, the hearing officer decided that the claimant did not sustain an injury while in the course and scope of employment on _____; that because the claimant did not sustain a compensable injury, she did not have disability; and that the claimant is not barred from pursuing workers' compensation benefits under the doctrine of election of remedies.

The claimant appeals those determinations which are adverse to her with regard to the claimed injuries of _____, and _____. The carrier appeals those determinations which are adverse to it with regard to the claimed repetitive trauma injury, with a date of injury of _____.

DECISION

Affirmed.

Conflicting evidence was presented on all of the disputed issues in each claim. 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. We conclude that all of the appealed findings of fact and conclusions of law in regard to the disputed issues in each claim are supported by sufficient evidence and are not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986). We further conclude that the claimant has not shown that the hearing officer erred in denying the claimant's request to add an issue that was not raised at the benefit review conference and in excluding one exhibit from evidence.

The hearing officer's decision and order are affirmed.

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

**CT CORPORATION SYSTEMS
350 N. ST. PAUL
SUITE 2900
DALLAS, TEXAS 75201.**

Robert W. Potts
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Gary L. Kilgore
Appeals Judge