

APPEAL NO. 012563  
FILED NOVEMBER 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 September 25, 2001. The hearing officer determined that the appellant (claimant) had not sustained a compensable repetitive trauma injury to her left shoulder and bilateral wrists and that because the claimant did not have a compensable injury, the claimant did not have disability.

The claimant appealed, essentially summarizing the evidence presented at the CCH and asserting that the hearing officer's decision is against the great weight and preponderance of the evidence. The respondent (carrier) responds, urging affirmance.

DECISION

Affirmed.

The claimant was employed by a temporary employment agency (employer) and assigned to work for a client company (company). The claimant testified regarding the repetitive nature of her work packing computer component parts into "hot dog boxes"; however, the repetitively traumatic nature of these duties was disputed by the employer's human resources manager. Other aspects of the claimant's testimony were disputed and the hearing officer commented: "Simply put, I find this is a question of credibility, and I did not find Claimant's testimony credible."

While some of the medical reports might support a finding of bilateral carpal tunnel syndrome (CTS), the only doctor who noted that the claimant had only been employed two months found no objective findings of ongoing CTS or cubital tunnel syndrome.

The issues presented questions of fact to be resolved. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)), resolves conflicts and inconsistencies in the evidence (Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ)), and determines what facts have been established from the conflicting evidence. St. Paul Fire & Marine Insurance Company v. Escalera, 385 S.W.2d 477 (Tex. Civ. App.-San Antonio 1964, writ ref'd n.r.e.). This is equally true of medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). The Appeals Panel will not disturb the challenged factual findings of a hearing officer unless they are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust and we do not find them so in this case. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**JIM MALLOY, RESIDENT, VICE PRESIDENT  
8144 WALNUT HILL LANE, SUITE 1600  
DALLAS, TEXAS 75231.**

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Michael B. McShane  
Appeals Judge