

APPEAL NO. 012564
FILED DECEMBER 4, 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 27, 2001. The hearing officer resolved the disputed issues by deciding that the appellant (claimant) did not sustain a compensable occupational disease injury; that the date of the claimed injury was _____; and that the claimant timely notified her employer of her claimed injury. The claimant appealed the hearing officer's determination that she did not sustain a compensable occupational disease injury and the respondent (carrier) responded. There is no appeal of the hearing officer's determinations on the issues of date of injury or timely notice of injury.

DECISION

The hearing officer's decision is affirmed.

The hearing officer did not err in determining that the claimant did not sustain a compensable occupational disease injury. The claimant claimed that her work as a manager at a motel, including counting money and changing door locks, caused her to sustain a repetitive trauma injury in the form of left carpal tunnel syndrome. One of the claimant's doctors wrote that the claimant's left upper extremity problems are related to her work activities. The hearing officer found that the claimant did not sustain a repetitive trauma injury and concluded that the claimant did not sustain a compensable occupational disease. The claimant had the burden to prove that she was injured in the course and scope of her employment. Johnson v. Employers Reinsurance Corporation, 351 S.W.2d 936 (Tex. Civ. App.-Texarkana 1961, no writ). An occupational disease includes a repetitive trauma injury. Section 401.011(34). A "repetitive trauma injury" is defined in Section 401.011(36) as "damage or harm to the physical structure of the body occurring as the result of repetitious, physically traumatic activities that occur over time and arise out of and in the course and scope of employment." It is evident from the hearing officer's Statement of the Evidence that he was not persuaded that the claimant's work activities involved repetitious, physically traumatic activities. 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 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. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Robert W. Potts
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Philip F. O'Neill
Appeals Judge