

APPEAL NO. 012721
FILED DECEMBER 6, 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 October 4, 2001. The appellant (claimant) appeals the hearing officer's determinations that she did not sustain a compensable injury on _____, and that she had no disability from a compensable injury. The respondent (carrier) responds, urging affirmance.

DECISION

The hearing officer's decision is affirmed.

The claimant testified that she sustained a repetitive trauma injury on _____, to her neck, right shoulder, and right wrist. Although the claimant testified as to a great variety of tasks performed during the day using her hands, there was little testimony about the duration or intensity of any given task. The carrier offered evidence that the claimant disliked her job and had attendance problems. Conflicting evidence was provided regarding whether the claimant was injured at work. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). At a minimum, proof of a repetitive trauma injury should consist of some presentation of the duration, frequency, and nature of activities alleged to be traumatic. Texas Workers' Compensation Commission Appeal No. 960929, decided June 28, 1996. 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 determined that the claimant did not prove that she sustained a compensable injury. Without a compensable injury, the claimant would not have disability as defined by Section 401.011(16). 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.

The hearing officer's decision and order are affirmed.

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

**PRENTICE-HALL CORPORATION SYSTEM, INC.
800 BRAZOS
AUSTIN, TEXAS 78701.**

Susan M. Kelley
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Philip F. O'Neill
Appeals Judge