

APPEAL NO. 013138
FILED FEBRUARY 5, 2002

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 November 20, 2001. In resolving the issues before him, the hearing officer determined that the appellant/cross-respondent (claimant) did sustain a repetitive trauma injury to her cervical spine and bilateral shoulders on or before _____; that she did not give her employer timely notice of her injury nor did she have good cause for her failure to give timely notice; that the respondent/cross-appellant (carrier) was relieved of liability because of the claimant's failure to timely notify her employer; and that because she sustained no compensable injury, the claimant had no disability. The claimant, seeking reversal, appealed the untimely notice and date of injury determination on sufficiency grounds. The carrier filed a conditional appeal, contesting the determinations that the claimant sustained a repetitive trauma injury; that she was unable to obtain or retain employment at wages equivalent to her preinjury wage beginning April 19, 2001, and continuing through the date of the hearing; and that her date of injury was "on or before" _____. The carrier also filed a response to claimant's appeal, urging affirmance. We find no response from the claimant in the appeal file.

DECISION

Affirmed.

The hearing officer did not err in making the determinations that the claimant did sustain a repetitive trauma injury to her cervical spine and bilateral shoulders on or before _____; that she did not give her employer timely notice of her injury nor did she have good cause for her failure to give timely notice; that the carrier was relieved of liability because of the claimant's failure to timely notify her employer; and that because she sustained no compensable injury, the claimant had no disability. The parties presented conflicting evidence on the issues. We have reviewed the issues and conclude that they involved fact questions for the hearing officer. The hearing officer resolved the ultimate question of liability in favor of the carrier. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). The hearing officer reviewed the record and resolved what facts were established. We conclude that the hearing officer's determinations are sufficiently supported by the record and are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **TRAVELERS INDEMNITY COMPANY OF CONNECTICUT** 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.**

Terri Kay Oliver
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Robert W. Potts
Appeals Judge