

APPEAL NO. 020353
FILED MARCH 22, 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 January 29, 2002. With respect to the issues before him, the hearing officer determined that the appellant (claimant) did not sustain a compensable repetitive trauma injury, with a date of injury of _____; that he timely reported his alleged injury to his employer; that he timely filed a claim for compensation; and that he did not have disability within the meaning of the 1989 Act because he did not sustain a compensable injury. In his appeal, the claimant essentially argues that the hearing officer's injury and disability determinations are against the great weight of the evidence. In its response to the claimant's appeal, the respondent (self-insured) urges affirmance. The self-insured did not appeal the determinations that the claimant timely reported his alleged injury and timely filed a claim for compensation, or the consequent conclusions that it would not be relieved from liability in accordance with Sections 409.002 and 409.004 had the claimant sustained a compensable injury.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant did not sustain a compensable repetitive trauma injury, with a date of injury of _____. The claimant asserts that he sustained injuries to his right shoulder and neck and has carpal tunnel syndrome as a result of the repetitive heavy lifting and constant hand movements he performed at work. The question of whether the claimant sustained the alleged injury was a question of fact for the hearing officer. Texas Workers' Compensation Commission Appeal No. 000074, decided February 25, 2000. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). The hearing officer was not persuaded that the testimony and evidence presented by the claimant was sufficient to satisfy the claimant's burden of proving that he was injured as a result of performing repetitively traumatic activities at work. The hearing officer was acting within his province as the trier of fact in so finding. Our review of the record does not reveal that the hearing officer's injury determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to reverse that determination on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

Because we have affirmed the hearing officer's determination that the claimant did not sustain a compensable injury, we likewise affirm his determination that the claimant did not have disability. By definition, the existence of a compensable injury is a prerequisite to a finding of disability. Section 401.011(16).

The true corporate name of the self-insured is **(SELF-INSURED)** and the name and address of its registered agent for service of process is

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

Elaine M. Chaney
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Thomas A. Knapp
Appeals Judge