

APPEAL NO. 020460  
FILED APRIL 10, 2002

Following a contested case hearing held on February 6, 2002, pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act), the hearing officer resolved the disputed issues by determining that the appellant (claimant) did not sustain a compensable repetitive trauma injury with a date of injury of \_\_\_\_\_, and that she did not have disability. The claimant has appealed, asserting that the hearing officer's findings and conclusions are against the great weight of the evidence. The respondent (self-insured) contends in response that the evidence is sufficient to support the challenged findings.

DECISION

Affirmed.

The claimant testified that while employed as a parole officer, she was diagnosed with non-Hodgkin's lymphoma in July 1998 and subsequently underwent surgery for the removal of a tumor just above her right elbow; that in \_\_\_\_\_ she was injured in a job-related automobile accident; that she returned to work on March 1, 2000, and worked until January 19, 2001, when she stopped working due to her pain; and that when she stopped working, she was also having severe pain in her right hand and some in her left as well. The date of the claimed repetitive trauma injury, carpal tunnel syndrome (CTS), is \_\_\_\_\_. The claimant further testified in detail to the amount of time she spent driving to interview parolees; the time she spent taking notes of parolee interviews, both at their residences and at her office; and the amount of time spent typing reports on the computer. She maintained that she had disability from her repetitive trauma injury from \_\_\_\_\_, to the date of the hearing.

The hearing officer found that the claimant's work activities did not require repetitive, physically traumatic use of both hands and wrists; that the claimant had not been performing her job duties as a parole officer since January 19, 2001; and that the medical evidence is insufficient to causally relate the diagnosis of CTS with the claimant's job duties on the date of injury. She further determined that the claimant did not have disability as she claimed.

The claimant had the burden to prove that she sustained the claimed injury and that she had disability as that term is defined in Section 401.011(16). Texas Workers' Compensation Commission Appeal No. 94248, decided April 12, 1994. The Appeals Panel has stated that in workers' compensation cases, the disputed issues of injury and disability can, generally, be established by the lay testimony of the claimant alone. Texas Workers' Compensation Commission Appeal No. 91124, decided February 12, 1992. However, the testimony of a claimant, as an interested party, only raises issues of fact for the hearing officer to resolve and is not binding on the hearing officer. Texas Employers Insurance

Association v. Burrell, 564 S.W.2d 133 (Tex. Civ. App.-Beaumont 1978, writ ref'd n.r.e.). The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)), resolves the 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.). As an appellate reviewing tribunal, 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. 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 **STATE OFFICE OF RISK MANAGEMENT (a self-insured governmental entity)** and the name and address of its registered agent for service of process is

For service in person the address is:

**RON JOSSELET, EXECUTIVE DIRECTOR  
STATE OFFICE OF RISK MANAGEMENT  
300 W. 15TH STREET  
WILLIAM P. CLEMENTS, JR. STATE OFFICE BUILDING, 6TH FLOOR  
AUSTIN, TEXAS 78701.**

For service by mail the address is:

**RON JOSSELET, EXECUTIVE DIRECTOR  
THE STATE OFFICE OF RISK MANAGEMENT  
P.O. BOX 13777  
AUSTIN, TEXAS 78711-3777.**

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Philip F. O'Neill  
Appeals Judge

CONCUR:

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Thomas A. Knapp  
Appeals Judge

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Edward Vilano  
Appeals Judge