

APPEAL NO. 020596  
FILED MAY 7, 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 February 21, 2002. The hearing officer determined that the respondent (claimant) sustained a compensable occupational disease injury in the form of left wrist carpal tunnel syndrome (CTS) on August 22, 2001. The appellant (carrier) appealed the hearing officer's determination, asserting that the claimant failed to show that his employment was repetitive and traumatic. There is no response from the claimant in the file.

DECISION

We affirm the hearing officer's decision.

The hearing officer did not err in determining that the claimant sustained a compensable occupational disease injury in the form of left CTS. The claimant had the burden to prove that he suffered damage or harm to the physical structure of the body as a result of repetitious, physically traumatic activities that occurred over time and arose out of and in the course and scope of employment. See Texas Workers' Compensation Commission Appeal No. 992486, decided December 29, 1999; Section 401.011(34) and (36). Conflicting evidence was presented with regard to this issue. In support of his assertion that the claimed injury was due to repetitive and traumatic activities at work, the claimant testified as to his daily work activities. The claimant further testified that he explained to the three doctors he saw exactly what he did at work. The claimant submitted into evidence reports from three doctors who related his left CTS to his work. In support of its assertion that the claimant's work activities were not repetitive and/or traumatic, the carrier submitted into evidence a peer review report which rendered that opinion. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as trier of fact, resolves the conflicts and inconsistencies in the evidence including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex.App.-Houston [14th Dist.] 1984, no writ)). The hearing officer's determination is 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 (Tex. 1986).

The hearing officer's decision and order are affirmed.

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

**JAMES W. FISHER  
8111 LBJ FREEWAY  
DALLAS, TEXAS 75251.**

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Susan M. Kelley  
Appeals Judge

CONCUR:

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Daniel R. Barry  
Appeals Judge

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Philip F. O'Neill  
Appeals Judge