

APPEAL NO. 020734
FILED MAY 6, 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 March 4, 2002. The hearing officer determined that the appellant (claimant) had not sustained a compensable repetitive trauma injury; that with no compensable injury, the claimant did not have disability; that the claimant had not timely reported her injury to her employer; and that the date of injury pursuant to Section 408.007 was _____.

The claimant "appeals each and every finding of fact and conclusion of law . . . that is against the claimant" on a sufficiency of the evidence basis. The respondent (self-insured) responds, urging affirmance.

DECISION

Affirmed.

The claimant was a longtime employee of the self-insured's police department. The claimant testified that 90% to 95% of her work was at a desk job until she was promoted to "station coordinator" in 1996 and then promoted to "community development" in 1998. The claimant testified that she began to have "horrible" arm and shoulder complaints in March of 1997, which she thought was a heart attack. Other similar pain occurred in the latter part of 1998, which the claimant attributed to her chair. The claimant said that she began having similar pain in December 2000. The claimant testified that she did "constant computer work," a "tremendous amount of telephone work," and "constantly lifted heavy objects." The hearing officer commented that the claimant's duties "were varied and not repetitive in nature" and found that the claimant's work activities did not require repetitive, physically traumatic use of her right shoulder.

It is fairly undisputed that on _____, the claimant reported work-related right and left shoulder injuries including a right shoulder rotator cuff tear, "based on repetitive stress motions." The claimant testified that she realized her shoulder injuries were work related during the night of _____. The hearing officer determined that the date of injury, defined in Section 408.007 as being "the date on which the employee knew or should have known that the disease may be related to the employment," to be _____, when the claimant's treating doctor noted complaints of "® shoulder & upper arm" pain and had an impression of "® shoulder pain R/O rotator cuff injury." The hearing officer commented that prior to _____, the claimant had "trivialized her condition."

We have reviewed the complained-of determinations and conclude that the issues involved fact questions for the hearing officer. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determinations are not 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 **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**MAYOR
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Thomas A. Knapp
Appeals Judge

CONCUR:

Philip F. O'Neill
Appeals Judge

Robert W. Potts
Appeals Judge