

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 26, 2002. The hearing officer determined that the appellant (claimant) did not sustain a compensable occupational disease injury with an _____, date of injury, and that she did not have disability. On appeal, the claimant contends that the issue resolved by the hearing officer was not the one certified at the benefit review conference and that the compensability and disability determinations are against the great weight and preponderance of the evidence. The appeal file contains no response from the respondent (carrier).

DECISION

Affirmed.

The issues in this case were whether the claimant sustained an occupational disease injury and whether the claimant had disability. The hearing officer properly concluded the claimant did not sustain a compensable injury. The evidence in this case indicated the complained-of repetitive trauma activities occurred over a four-hour work period on the same workday. Under the circumstances, this could be considered a specific injury claim, and the hearing officer's conclusion of law that there was no compensable injury indicates he properly considered all aspects of the claimed injury as he was required to do. Where the issue is occupational disease and the evidence indicates it is a compensable specific incident injury, the hearing officer is to address the specific incident injury. Texas Workers' Compensation Commission Appeal No. 000741, decided May 25, 2000.

The hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence, as well as the weight and credibility that is to be given to the evidence. Section 410.165(a). 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. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951). We have reviewed the matters complained of on appeal and conclude that the hearing officer's decision is supported by sufficient evidence.

We affirm the decision and order of the hearing officer.

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

**C. T. CORPORATION SYSTEM
350 NORTH ST. PAUL STREET, SUITE 2900
DALLAS, TEXAS 75201.**

Michael B. McShane
Appeals Judge

CONCUR:

Robert E. Lang
Appeals Panel
Manager/Judge

Robert W. Potts
Appeals Judge