APPEAL NO. 021610
FILED JULY 24, 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 May 23, 2002. The hearing officer determined that the appellant (claimant) had not sustained a compensable repetitive trauma injury with a date of injury of _____; that the injury does not extend to include bilateral ulnar neuropathy, bilateral carpal tunnel syndrome, cervical radiculopathy, and bilateral subluxing ulnar nerves; and that the claimant did not have disability.

The claimant appeals, contending that the hearing officer "applied an incorrect burden of proof by requiring medical evidence" and that the hearing officer failed to state why she was rejecting the claimant's evidence. The respondent (carrier) responds, urging affirmance.

DECISION

Affirmed.

The claimant, a "bailer operator," alleges that he was injured on _____, after operating a "wheel-a-braider." There is a dispute about the claimant's job duties and exactly what he was required to do. The hearing officer found that while the claimant's duties did require "repetitive, physically traumatic use" of his upper extremities, there is insufficient medical evidence to establish a causal relationship between the claimant's multiple conditions and his work activities.

The claimant argues that the hearing officer required medical evidence of causation. We disagree. We regard the hearing officer's decision as merely stating a fact. We agree that issues of injury and disability can be established by the claimant's testimony alone; however, the testimony of the claimant, as an interested party, only raises an issue of fact for the hearing officer to resolve. Escamilla v. Liberty Mutual Insurance Company, 499 S.W.2d 477 (Tex. Civ. App.-Amarillo 1973, no writ). In this case, the claimant's testimony was that after working on _____, his elbows began to hurt. The only medical evidence of causation was that the claimant's "symptoms developed following activities at work and therefore is work related."

After review of the record before us and the complained-of determination, we have concluded that there is sufficient factual and legal support for the hearing officer's decision. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

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

PRENTICE-HALL CORPORATION SYSTEM, INC.
800 BRAZOS
AUSTIN, TEXAS 78701.

_____
Thomas A. Knapp
Appeals Judge

CONCUR:

_____
Judy L. S. Barnes
Appeals Judge

_____
Gary L. Kilgore
Appeals Judge