

APPEAL NO. 021763
FILED AUGUST 28, 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 June 4, 2002. The hearing officer determined that the appellant (claimant) did not sustain a compensable repetitive trauma injury, with a date of injury of _____. The claimant appealed, arguing that the hearing officer's injury determination is against the great weight and preponderance of the evidence. The claimant also argues that the hearing officer erroneously applied a stricter standard of proof to establish causation in this case. In its response, the respondent (carrier) urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant did not sustain a compensable repetitive trauma injury, with a date of injury of _____. That issue presented a question of fact for the hearing officer. Pursuant to Section 410.165(a), the hearing officer is the sole judge of the weight and credibility of the evidence. The hearing officer was not persuaded that the claimant sustained her burden of proving that she sustained bilateral carpal tunnel syndrome (CTS) as a result of performing repetitive, physically traumatic activities at work. Nothing in our review of the record reveals that the challenged determination is so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to disturb that determination on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We cannot agree with the claimant's assertion that the hearing officer erred by applying a stricter burden of proof in this case and that Texas Workers' Compensation Commission Appeal No. 961008, decided July 1, 1996, necessitates a reversal in this case. In Appeal No. 961008, the Appeals Panel remanded because it appeared that the hearing officer had determined that the claimant's work activities in that case had caused or contributed to his CTS; however, the hearing officer further determined that the claimant did not sustain a compensable injury because he did not prove that the CTS was inherent in or present to an increased degree in his employment. That is, the hearing officer in Appeal No. 961008 appeared to have required more than the establishment of a causal connection between the employment and the CTS. However, in this instance, the hearing officer simply was not persuaded that the claimant presented sufficient evidence to demonstrate the causal connection between her work and the CTS and that determination is affirmable. Accordingly, we perceive no error.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **THE INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS, SUITE 750, COMMODORE 1
AUSTIN, TEXAS 78701.**

Elaine M. Chaney
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Roy L. Warren
Appeals Judge