

APPEAL NO. 021795  
FILED AUGUST 30, 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 17, 2002. The hearing officer determined that the appellant (claimant) had not sustained a compensable repetitive trauma injury on \_\_\_\_\_, and that with no compensable injury there is no disability.

The claimant appeals, principally on a sufficiency of the evidence basis, pointing to evidence that supports her position. The respondent (carrier) responds, urging affirmance.

DECISION

Affirmed.

The claimant was employed as a customer service representative answering telephone calls and inputting data into a computer. The circumstances as to why the claimant did not use a telephone headset are disputed. Also in dispute is the substance of a conversation about the claimant's subpar work performance that the claimant had with her supervisor the day prior to going to the doctor and reporting her injury. EMC testing was negative for carpal tunnel syndrome (CTS). The hearing officer commented in her Statement of the Evidence that she "did not find Claimant's accounting of the mechanism of her claimed injury credible."

Both parties emphasize that credibility of the evidence was a key factor. Section 410.165(a) makes the hearing officer the sole judge of the weight and credibility to be given to the evidence. There was conflicting evidence as to whether the claimant's work caused her complaints and whether the claimant even had CTS. The hearing officer was acting within her province in rejecting the claimant's testimony and other evidence that the claimant sustained a repetitive trauma injury. Nothing in our review of the record demonstrates that any of the challenged determinations are so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). Accordingly, no sound basis exists for us to disturb those determinations on appeal.

The hearing officer's decision and order are affirmed.

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

**CORPORATION SERVICES COMPANY  
800 BRAZOS  
AUSTIN, TEXAS 78701.**

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Robert W. Potts  
Appeals Judge