

APPEAL NO. 022631  
FILED DECEMBER 4, 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 October 7, 2002. The hearing officer resolved the disputed issues by deciding that the respondent (claimant) sustained a compensable repetitive trauma injury; that the date of injury was \_\_\_\_\_; and that the claimant had disability from April 12 through September 5, 2002. The appellant (carrier) appealed and the claimant responded.

DECISION

As reformed herein, the hearing officer's decision is affirmed.

The claimant had the burden to prove that he sustained a repetitive trauma injury as defined by Section 401.011(36) and that he had disability as defined by Section 401.011(16). The date of injury for an occupational disease, which includes a repetitive trauma injury, is defined in Section 408.007. Conflicting evidence was presented on the disputed issues. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. We conclude that the hearing officer's determinations on the disputed issues of repetitive trauma injury, date of injury, and disability are supported by sufficient evidence and are not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We reform the decision section of the hearing officer's decision to reflect that the claimant had disability from April 12, 2002 (not from April 4, 2002), through September 5, 2002. As reformed, the decision section of the hearing officer's decision is consistent with Finding of Fact No. 5 and Conclusion of Law No. 5.

The hearing officer's decision and order, as reformed herein, are affirmed.

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

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

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Robert W. Potts  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Veronica Lopez  
Appeals Judge