

APPEAL NO. 023016
FILED JANUARY 14, 2003

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 November 4, 2002. The hearing officer resolved the disputed issues by deciding that the respondent (claimant) sustained a compensable repetitive trauma injury with a date of injury of _____; that the claimant timely reported her injury to her employer pursuant to Section 409.001; and that the claimant had disability from October 31, 2000, continuing through the date of the hearing. The appellant (carrier) appeals, arguing that the determinations of the hearing officer are erroneous and are against the great weight and preponderance of the evidence. The appeal file does not contain a response from the claimant.

DECISION

Affirmed.

The claimant had the burden to prove by a preponderance of the evidence that she sustained an occupational disease injury; that she timely reported that injury to the employer or had good cause for not doing so; and that she had disability as a result of her compensable injury. Johnson v. Employers Reinsurance Corp., 351 S.W.2d 936 (Tex. Civ. App.-Texarkana 1961, no writ). A claimant need not prove that the injury was the sole cause, as opposed to a cause, of the disability. Texas Workers' Compensation Commission Appeal No. 931134, decided January 28, 1994. The Appeals Panel has stated that in workers' compensation cases, the disputed issues of injury and disability can, generally, be established by the testimony of the claimant alone. Texas Workers' Compensation Commission Appeal No. 91124, decided February 12, 1992. The same can be said for the issue of timely notice. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the fact finder, the hearing officer resolves the conflicts and inconsistencies in the evidence and determines what facts have been established from the conflicting evidence. Garza v. Commercial Ins. Co., 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ); St. Paul Fire & Marine Ins. Co. v. Escalera, 385 S.W.2d 477 (Tex. Civ. App.-San Antonio 1964, writ ref'd n.r.e.). Our review of the record does not demonstrate that the hearing officer's injury, notice, and disability determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Thus, no sound basis exists for us to reverse those determinations on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951). The hearing officer could consider the conflicts in the testimony and evidence and determine that the claimant's evidence was persuasive. Further, in regard to the carrier's assertion that the hearing officer ignored its peer review report, we note that the hearing officer is not required to detail all of the evidence both supporting and contradicting his determinations. See Texas Workers' Compensation Commission Appeal No. 93164, decided April 19, 1993 (Unpublished), and the cases cited therein. We are satisfied that the hearing officer based his findings of fact and conclusions of

law on all of the evidence presented, despite the fact that a particular piece of evidence was not specifically discussed in the decision.

We affirm the decision and order of the hearing officer.

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

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

Elaine M. Chaney
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Terri Kay Oliver
Appeals Judge