APPEAL NO. 030080
FILED FEBRUARY 7, 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 (CCH) was held on December 18, 2002. The hearing officer determined that the claimant did not prove that she injured her hands in the course and scope of her employment, and that she had not given timely notice of injury to her employer and was without good cause for the failure to give notice. The claimant has appealed these findings; the carrier responds, seeking affirmance for inferences that it says are supported by the record.

DECISION

We affirm the hearing officer's decision.

The claimant agreed that the date of injury for her asserted carpal tunnel syndrome (CTS) was _____. Although she contended that driving a school bus for her employer caused the CTS, there is no description in the record as to what driving a bus entailed such that it constituted repetitive and/or traumatic activity. There was conflicting evidence about who in a supervisory position was told, or otherwise knew of, the claimant's injury within 30 days of the agreed date of injury. There was conflicting evidence as to whether those who knew that she was having a problem with her hands understood that it was asserted to have been caused or worsened by work. At times in the CCH, the claimant asserted that it still had not been "established" due to lack of objective testing that she had CTS.

The hearing officer is the sole judge of the relevance, materiality, weight, and credibility of the evidence presented at the hearing. Section 410.165(a). The decision should not be set aside because different inferences and conclusions may be drawn upon review, even when the record contains evidence that would lend itself to different inferences. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). An appeals-level body is not a fact finder, and does not normally pass upon the credibility of witnesses or substitute its own judgment for that of the trier of fact, even if the evidence would support a different result. National Union Fire Insurance Company of Pittsburgh, Pennsylvania v. Soto, 819 S.W.2d 619, 620 (Tex. App.-El Paso 1991, writ denied); American Motorists Insurance Co. v. Volentine, 867 S.W.2d 170 (Tex. App.-Beaumont 1993, no writ).

The decision of the hearing officer will be set aside only if the evidence supporting the hearing officer's determination is so weak or against the overwhelming weight of the evidence as to be clearly wrong or manifestly unjust. Atlantic Mutual Insurance Company v. Middleman, 661 S.W.2d 182 (Tex. App.-San Antonio 1983, writ ref'd n.r.e.). That is not the case here, there being sufficient evidence to support the hearing officer's resolution of conflicting evidence, and we affirm his decision and order.

The true corporate name of the insurance carrier is **SELF-INSURED THROUGH EAST TEXAS EDUCATIONAL ASSOCIATION** and the name and address of its registered agent for service of process is

SUPERINTENDENT
(ADDRESS)
(CITY), TEXAS 75661.

_____
Susan M. Kelley
Appeals Judge

CONCUR:

_____
Gary L. Kilgore
Appeals Judge

_____
Robert W. Potts
Appeals Judge