

APPEAL NO. 030222
FILED MARCH 6, 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 resolved the disputed issues by deciding that the appellant/cross-respondent (claimant) sustained a compensable repetitive trauma injury; that the date of injury was _____; that respondent/cross-appellant (self-insured) is not relieved of liability under Section 409.002 because the claimant timely reported her injury to the self-insured pursuant to Section 409.001; that the claimant has had disability from August 8, 2002, through the date of the CCH; that the claimant's repetitive trauma injury to the right wrist includes the right hand and right forearm; and that the claimant's repetitive trauma injury does not include the right elbow, right shoulder, or cervical spine. The claimant appeals the hearing officer's determination that her repetitive trauma injury does not include her right elbow, right shoulder, or cervical spine. The self-insured appeals the hearing officer's determinations that the claimant sustained a compensable repetitive trauma injury; that the date of injury is _____; that the self-insured is not relieved of liability under Section 409.002 because the claimant timely reported her injury to the self-insured pursuant to Section 409.001; and that the claimant has had disability from August 8, 2002, through the date of the CCH. The self-insured responded to the claimant's appeal. No response to the self-insured's appeal was received from the claimant.

DECISION

Affirmed.

The claimant had the burden to prove that she sustained a repetitive trauma injury as defined by Section 401.011(36); that she timely reported her injury to her employer under Section 409.001; and that she had disability as defined by Section 401.011(16). The claimant also had the burden of proof on the extent-of-injury issue. Section 408.007 provides that the date of injury for an occupational disease, which includes a repetitive trauma injury (Section 401.011(34)), is the date on which the employee knew or should have known that the disease may be related to the employment. 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. Although there is conflicting evidence in this case, we conclude that the hearing officer's determinations on the disputed issues are supported by sufficient evidence and that they 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 affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **(a certified self-insured)** and the name and address of its registered agent for service of process is

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

Robert W. Potts
Appeals Judge

CONCUR:

Daniel R. Barry
Appeals Judge

Chris Cowan
Appeals Judge