

APPEAL NO. 030365
FILED MARCH 26, 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 January 24, 2003. With respect to the issues before him, the hearing officer determined that the respondent (claimant) sustained a compensable injury in the form of bilateral carpal tunnel syndrome; that the date of injury is _____; that the claimant timely reported his injury to his employer; and that the claimant had disability, as a result of his compensable injury, from January 15 through February 25, 2002. In its appeal, the appellant (self-insured) argues that the hearing officer's determinations are against the great weight of the evidence. In his response to the self-insured's appeal, the claimant urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant sustained a compensable repetitive trauma injury; that the date of injury is _____; and that the claimant timely reported his injury to his employer. Those issues presented questions of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the trier of fact, the hearing officer resolves the conflicts and inconsistencies in the evidence and decides what facts the evidence has established. Texas Employers Ins. Ass'n v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). The hearing officer was persuaded that the claimant sustained his burden of proving that he sustained a repetitive trauma injury as a result of performing his job duties with the employer, that the date of injury is _____, and that he timely reported his injury to his employer. The factors emphasized by the self-insured on appeal in challenging the hearing officer's determinations are the same factors it emphasized at the hearing. The significance, if any, of those factors was a matter for the hearing officer in making his credibility determinations. Nothing in our review of the record reveals that the challenged determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to reverse those determinations on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The success of the self-insured's argument that the claimant did not have disability is dependent upon the success of its argument that the claimant did not sustain a compensable injury. Given our affirmance of the injury and notice determinations, we likewise affirm the determination that the claimant had disability, as a result of his compensable injury, from January 15 through February 25, 2002.

The hearing officer's decision and order are affirmed.

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

**SA
(ADDRESS)
(CITY) TEXAS (ZIP CODE).**

Elaine M. Chaney
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Terri Kay Oliver
Appeals Judge