

APPEAL NO. 031076  
FILED JUNE 12, 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 April 2, 2003. The hearing officer resolved the disputed issue by deciding that the respondent (claimant) sustained a compensable repetitive trauma injury with a date of injury of \_\_\_\_\_. The appellant (carrier) appealed, arguing that the determination was against the great weight and preponderance of the evidence. The appeal file does not contain a response from the claimant.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant sustained a compensable repetitive trauma injury with the date of injury of \_\_\_\_\_. Section 401.011(36) defines a "repetitive trauma injury" as "damage or harm to the physical structure of the body occurring as the result of repetitious, physically traumatic activities that occur over time and arise out of and in the course and scope of employment." 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 claimant had the burden to prove that he was injured during the course and scope of his employment. Johnson v. Employers Reinsurance Corporation, 351 S.W.2d 936 (Tex. Civ. App.-Texarkana 1961, no writ). Conflicting evidence was presented at the CCH. The hearing officer noted that the claimant's job required her to perform repetitious and physically traumatic activities and that the medical evidence supplied the causal link between the work activity and the injury. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). The hearing officer's determination that the claimant sustained a compensable repetitive trauma injury with the date of injury of \_\_\_\_\_, is supported by sufficient evidence and is 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 decision and order of the hearing officer.

The true corporate name of the insurance carrier is **AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM  
350 NORTH ST. PAUL STREET  
DALLAS, TEXAS 75201.**

\_\_\_\_\_  
Margaret L. Turner  
Appeals Judge

CONCUR:

\_\_\_\_\_  
Elaine M. Chaney  
Appeals Judge

\_\_\_\_\_  
Veronica Lopez-Ruberto  
Appeals Judge