

APPEAL NO. 031213
FILED JUNE 30, 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 April 22, 2003. The hearing officer resolved the disputed issues by deciding that the respondent (claimant) sustained a compensable occupational disease in the form of a repetitive trauma injury; that the date of injury under Section 408.007 was _____; that the appellant (self-insured) is not relieved of liability under Section 409.002 because the claimant timely notified the self-insured of his injury; and that the claimant sustained disability from _____, through March 10, 2003. The self-insured appealed the hearing officer's determinations on all of the disputed issues, and the claimant responded.

DECISION

Affirmed.

The claimant had the burden to prove that he sustained a repetitive trauma injury as defined by Section 401.011(36); that he had disability as defined by Section 401.011(16); and that he gave timely notice of his injury to the self-insured pursuant to Section 409.001(a). Conflicting evidence was presented on the disputed issues. 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. With regard to the self-insured's assertion that the claimant never asserted that his injury was due to twisting and turning, we note that the claimant testified that due to his large size, the cramped condition of the police car with the cage separating the front and back seats, and the 20 or 25 pounds of equipment he had to wear around his waist, there were "modifications" he had to make to get inside the police car, and that the treating doctor wrote that "It is my opinion that the modifications to the police car with the patient's size caused him enough twisting and contortions that I think this should be considered a work-related injury." Although there is conflicting evidence in this case, we conclude that the hearing officer's determinations on the disputed issues of compensable repetitive trauma injury, date of injury, notice of injury, and disability are supported by sufficient evidence and 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 self-insured governmental entity)** and the name and address of its registered agent for service of process is

**CITY ATTORNEY
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Robert W. Potts
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Thomas A. Knapp
Appeals Judge