APPEAL NO. 031332
FILED JULY 10, 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 30, 2003. The hearing officer determined that the respondent (claimant) sustained a compensable occupational disease injury to her right upper extremity with a date of injury of _____; that she timely reported the injury to her employer in accordance with Section 409.002; and that the claimant had disability from June 30 through October 1, 2002. The appellant (carrier) appeals these determinations. The claimant urges affirmance of the hearing officer's decision.

DECISION

Affirmed as reformed.

Section 401.011(34) defines occupational disease as including repetitive trauma injuries. Whether the claimant's activities were sufficiently repetitive to cause the right carpal tunnel syndrome (CTS) and whether the right CTS rendered the claimant unable to obtain or retain employment at her preinjury wage were factual determinations for the hearing officer to resolve. Similarly, the date of injury, when the claimant knew or should have known that the right CTS may be related to the employment, is generally a question of fact for the hearing officer to resolve. In DeAnda v. Home Ins. Co., 618 S.W.2d 529, 532 (Tex. 1980), the Texas Supreme Court wrote that the notice requirement can be satisfied when the employer has actual knowledge of the injury. The court emphasized that the actual knowledge need not apprise the employer of the exact time, place, and extent of the injury; rather, the employer need only know the general nature of the injury and the fact that it is job related. *Id.* at 533. The hearing officer was persuaded by the evidence that the information given by the claimant to the employer on March 20, 2002, was sufficient to constitute actual knowledge on the part of the employer of the claimed injury, that the claimant sustained a compensable injury, and that she had disability from June 30 through October 30, 2002. It was the hearing officer's prerogative to believe all, part, or none of the testimony of any witness, including that of the claimant. Aetna Insurance Company v. English, 204 S.W.2d 850 (Tex. Civ. App.-Fort Worth 1947, no writ). Nothing in our review of the record indicates that the hearing officer's decision is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

Finding of Fact No. 4 indicates that the claimant was unable to obtain and retain employment at wages equivalent to her preinjury wage from June 7 through October 1, 2002. The parties agreed at the beginning of the hearing that the disability period in dispute was from June 30 through October 1, 2002, and the hearing officer concluded in Conclusion of Law No. 4 that the claimant had disability for this same period of time. In

order for the finding of fact relating to disability to comport with the conclusion of law, Finding of Fact No. 4 is reformed to reflect the following:

> Due to the claimed injury, the claimant was unable to obtain and retain employment at wages equivalent to her preinjury wage beginning June 30, 2002, and continuing through October 1, 2002.

The decision and order of the hearing officer are affirmed as reformed.

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
350 NORTH ST. PAUL
DALLAS, TEXAS 75201.

_____
Chris Cowan
Appeals Judge

CONCUR:

_____
Gary L. Kilgore
Appeals Judge

_____
Edward Vilano
Appeals Judge