

APPEAL NO. 031387
FILED JULY 16, 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 May 5, 2003. With regard to the disputed issues, the hearing officer determined that the respondent (claimant) sustained a compensable right upper extremity occupational disease injury on _____, and had disability from November 8, 2002, through January 12, 2003, and from March 20, 2003, to the date of the CCH.

The appellant (carrier) appeals, contending that the claimant's job duties were not sufficiently repetitive or traumatic to cause the claimed injuries and that the claimant did not have disability at all or in the alternative past her employment termination for cause. The file does not contain a response from the claimant.

DECISION

Affirmed.

The claimant, over the past several years, had various positions with the employer, all of which required at least some typing, keyboarding, and mousing. How much of the claimant's time in the various positions was spent in typing, keyboarding, and mousing was in dispute. There is medical evidence to support the hearing officer's determinations.

The carrier disputed that the claimant's work was sufficiently repetitive or traumatic to cause the claimed injury. With the evidence in conflict it is the hearing officer as the sole judge of the weight and credibility of the evidence (Section 410.165(a)) who resolves the conflicts and inconsistencies in the evidence (Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ)), and determines what facts have been established from the conflicting evidence. St. Paul Fire & Marine Ins. Co. v. Escalera, 385 S.W.2d 477 (Tex. Civ. App.-San Antonio 1964, writ ref'd n.r.e.). This is equally true regarding the evidence of disability and whether the claimant's inability to obtain and retain employment was due to the compensable injury (see Section 401.011(16)) or the claimant's termination of employment. The Appeals Panel will not disturb the challenged factual findings of a hearing officer unless they are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust and we do not find them so in this case. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **AMERICAN PROTECTION INSURANCE COMPANY** and the name and address of its registered agent for service of process is

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

Thomas A. Knapp
Appeals Judge

CONCUR:

Veronica Lopez-Ruberto
Appeals Judge

Margaret L. Turner
Appeals Judge