APPEAL NO. 031417
FILED JULY 22, 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 May 6, 2003. The hearing officer resolved the disputed issues by deciding that the appellant/cross-respondent (claimant) did not sustain a compensable repetitive trauma injury on _____; that the claimant timely notified her employer pursuant to Section 409.001; and that because the claimant did not sustain a compensable injury, she did not have disability. The claimant appealed, arguing that the compensable injury and disability determinations are against the great weight and preponderance of the evidence. The respondent/cross-appellant (carrier) filed a cross-appeal, disputing the timely notice determination. The appeal file does not contain a response from either party to the other's appeal.

DECISION

Affirmed.

The claimant had the burden to prove that she sustained a compensable injury, that she gave timely notice of injury to her employer, and that she has had disability. The claimant claimed that she sustained a repetitive trauma injury as a result of performing her work activities for the employer. Section 401.011(34) provides that an occupational disease includes a repetitive trauma injury, which is defined in Section 401.011(36). Section 408.007 provides that the date of injury for an occupational disease is the date on which the employee knew or should have known that the disease may be related to the employment. Section 409.001(a) provides that, if the injury is an occupational disease, an employee or a person acting on the employee's behalf shall notify the employer of the employee of an injury not later than the 30th day after the date on which the employee knew or should have known that the injury may be related to the employment.

The claimant testified that she told one of her supervisors on _____, that her doctor diagnosed her with carpal tunnel syndrome (CTS) and told her that it was work related. The hearing officer acknowledged that the medical records established that the claimant had been diagnosed with bilateral CTS, but the hearing officer was not persuaded that the claimant sustained her burden of proof regarding causation. The hearing officer noted that there was not a showing of sufficiently repetitive activity during the day to support a repetitive trauma injury. 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. Our review of the record reveals that the hearing officer's determinations regarding compensable injury and timely notice are supported by sufficient evidence and are not 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 disturb the challenged determinations on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The 1989 Act requires the existence of a compensable injury as a prerequisite to a finding of disability. Section 401.011(16). Because we have affirmed the determination that the claimant did not sustain a compensable injury, we likewise affirm the determination that she did not have disability.

We affirm the decision and order of the hearing officer.

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

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

_____
Margaret L. Turner
Appeals Judge

CONCUR:

_____
Elaine M. Chaney
Appeals Judge

_____
Edward Vilano
Appeals Judge