

APPEAL NO. 031703
FILED AUGUST 8, 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 7, 2003. The hearing officer decided that the respondent (claimant) sustained a compensable injury in the form of an occupational disease on _____; and that the claimant has had disability resulting from a compensable injury from September 25, 2002, through the date of the CCH. The appellant (carrier) appeals those determinations, mostly on a sufficiency of the evidence basis, contending that the claimant's employment was not sufficiently repetitive to cause a repetitive trauma injury and that the hearing officer did not detail certain evidence. The claimant responds, urging affirmance. The hearing officer's determination that the carrier has not waived the right to dispute compensability of the claimed injury has not been appealed and has become final. Section 410.169.

DECISION

Affirmed.

First, we do not consider the hearing officer's failure to detail and mention all of the evidence as reversible error. Just because the hearing officer failed to discuss evidence that the carrier thought was particularly compelling, there is no indication that the hearing officer failed to consider that evidence. See Texas Workers' Compensation Commission Appeal No. 990471, decided April 19, 1999. The hearing officer is only required to make findings of fact, conclusions of law, determine whether benefits are due, and award benefits. Section 410.168 and Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 142.16(a) (Rule 142.16(a)).

The claimant was a paralegal and started working as a bankruptcy specialist for the employer on February 6, 2002. There was considerable testimony from both the claimant and her supervisor regarding the specifics of her job. Whether the claimant's job was sufficiently repetitive to cause the claimed occupational disease and whether she had disability were questions of fact for the hearing officer to resolve. The hearing officer is the fact finder and is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the fact finder, the hearing officer was charged with the responsibility of determining what facts the evidence has established. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). The hearing officer was acting within her province as the fact finder in resolving the disputed issues in favor of the claimant. Nothing in our review of the record reveals that the challenged determinations are so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **FIDELITY & DEPOSIT COMPANY OF MARYLAND** and the name and address of its registered agent for service of process is

**LEO MALO
ZURICH NORTH AMERICA
12222 MERIT DRIVE, SUITE 700
DALLAS, TEXAS 75251.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Veronica Lopez-Ruberto
Appeals Judge