

APPEAL NO. 032151
FILED OCTOBER 1, 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 July 15, 2003. The hearing officer resolved the disputed issues by deciding that the appellant (claimant) did not sustain a compensable injury in the form of an occupational disease with a date of injury of _____; and that the claimant has not had disability. The claimant appeals, contending that the hearing officer's decision is against the great weight of the evidence. The respondent (carrier) asserts that the evidence supports the hearing officer's decision.

DECISION

Affirmed.

The claimant contends that she sustained a repetitive trauma injury to her low back while performing her work activities for her employer. The claimant had the burden to prove that she sustained a repetitive trauma injury as defined by Section 401.011(36). 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. A hearing officer may believe that the claimant has an injury, but disbelieve that the injury occurred while performing work activities as claimed by the claimant. The hearing officer resolved the conflicting evidence by deciding that the claimant did not sustain an occupational disease in the form of a repetitive trauma injury. Although there is conflicting evidence in this case, we conclude that the hearing officer's decision is supported by sufficient evidence and is 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). Without a compensable injury, the claimant would not have disability as defined by Section 401.011(16).

We affirm the hearing officer's decision and order.

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

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Robert W. Potts
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Margaret L. Turner
Appeals Judge