

APPEAL NO. 032180
FILED OCTOBER 3, 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 24, 2003. The hearing officer determined that the respondent (claimant) sustained a compensable injury in the form of an occupational disease with a date of injury of _____, and that the claimant had disability from May 13 through October 27, 2002.

The appellant (carrier) appealed, contending that its required medical examination doctor's report was more accurate than the treating doctor's reports, that the claimant's duties were varied and not repetitiously traumatic and that the hearing officer impermissibly "guided Claimant in making assertions regarding the repetitive nature and frequency of her data entry duties." The file does not contain a response from the claimant.

DECISION

Affirmed.

The claimant, a customer service representative, testified in some detail regarding her duties, including the amount of keyboarding that she did. Our review of the record does not disclose that the hearing officer improperly suggested answers in his questions in trying to determine exactly how much keyboarding the claimant did.

The claimant had the burden to prove that she sustained a repetitive trauma injury as defined in Section 401.011(36). The hearing officer did not err in determining that the claimant sustained a compensable repetitive trauma injury. The issue presented a question of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the trier of fact, the hearing officer resolves the conflicts and inconsistencies in the evidence and decides what facts the evidence has established. This is equally true of medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). The hearing officer was persuaded that the claimant sustained her burden of proving that she sustained a repetitive trauma injury as a result of performing her job duties with the employer and that she had disability for the period found by the hearing officer. Nothing in our review of the record reveals that the challenged determinations are 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 reverse those determinations on appeal. 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 **TEXAS MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**MR. RUSSELL R. OLIVER, PRESIDENT
221 WEST 6TH STREET
AUSTIN, TEXAS 78701.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Margaret L. Turner
Appeals Judge

Edward Vilano
Appeals Judge