

APPEAL NO. 032457  
FILED OCTOBER 30, 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 August 18, 2003. The hearing officer resolved the disputed issues by deciding that the appellant (claimant) did not sustain a compensable repetitive trauma injury; that the claimant has not had disability; that under Section 408.007 the date of injury is \_\_\_\_\_; and that the claimant timely notified her employer of her claimed injury. The claimant appeals the hearing officer's determinations that she did not sustain a compensable repetitive trauma injury and that she has not had disability, contending that those determinations are against the great weight of the evidence. The respondent (carrier) asserts that the evidence supports the appealed determinations. There is no appeal of the hearing officer's determinations on the issues of the date of injury under Section 408.007 and timely notice of injury to the employer.

DECISION

Affirmed.

The claimant claimed that she sustained a repetitive trauma injury from performing her work activities and that she had disability as a result of her injury. The claimant had the burden to prove that she sustained a repetitive trauma injury as defined by Section 401.011(36) and that she had disability as defined by Section 401.011(16). Conflicting evidence was presented on the issue of whether the claimant sustained a repetitive trauma injury. The hearing officer is the sole judge of the weight and credibility of the evidence. As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. Although there is conflicting evidence in this case, we conclude that the hearing officer's determinations on the appealed issues are supported by sufficient evidence and are 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 **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.**

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Robert W. Potts  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Margaret L. Turner  
Appeals Judge