

APPEAL NO. 032561
FILED NOVEMBER 5, 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 September 11, 2003. With respect to the issues before him, the hearing officer determined that the respondent (claimant) sustained a compensable repetitive trauma injury and that she had disability, as a result of her compensable injury, from December 4, 2002, to January 7, 2003, and from May 5 to July 18, 2003. In its appeal, the appellant (self-insured) asserts error in those determinations. The claimant did not appeal the determination that she did not have disability from January 8 to May 4, 2003, or from July 19, 2003, through the date of the hearing and, as a result, that determination is not before us.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant sustained a compensable repetitive trauma injury. That 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. Texas Employers Ins. Ass'n 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 an injury as a result of performing repetitive, physically traumatic activities in the course and scope of her employment as a salad preparation worker in the self-insured's cafeteria. The factors emphasized by the self-insured in challenging the hearing officer's injury determination on appeal are the same factors it emphasized at the hearing. The significance, if any, of those factors was a matter for the hearing officer in resolving the issue before him. Nothing in our review of the record reveals that the challenged determination is 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 the injury determination on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The self-insured's challenge to the hearing officer's disability determination is dependent upon the success of its argument that the claimant did not sustain a compensable injury. Given our affirmance of the injury determination, we likewise affirm that the disability determination.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**SUPERINTENDENT
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Elaine M. Chaney
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Gary L. Kilgore
Appeals Judge