

APPEAL NO. 032584  
FILED NOVEMBER 19, 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 11 with the record closing on August 29, 2003. With regard to the disputed issues, the hearing officer determined that the appellant (claimant) had not sustained a compensable occupational disease injury with a date of injury of \_\_\_\_\_; that because the claimant did not sustain a compensable injury, the claimant did not have disability; that the \_\_\_\_\_, injury does extend to include left cubital tunnel syndrome, but does not extend to include cervical and lumbar sprained spine, reflex sympathetic disorder, bilateral carpal tunnel syndrome, and bilateral wrist strain/sprain; and that the respondent (carrier) is relieved of liability because the claimant failed to timely give notice of the claimed injury to the employer and failed to have good cause for failing to do so. The hearing officer's determination that the \_\_\_\_\_, injury does extend to left cubital tunnel syndrome has not been appealed and has become final pursuant to Section 410.169.

The claimant appeals on sufficiency of the evidence grounds, citing evidence that she believes supports her position. The carrier responds, urging affirmance.

DECISION

Affirmed.

The claimant, a bank "ARP balancer," contends that she sustained a repetitive trauma occupational disease performing her duties. There was substantial testimony regarding the nature of her duties. The claimant saw a number of doctors over the years and the case is complicated by the fact that the claimant suffered from a number of nonwork-related maladies. The hearing officer summarizes much of the medical evidence in some detail. The evidence is in conflict, including whether the claimant even has some of the claimed conditions. The claimant went to a doctor on \_\_\_\_\_, and returned to work that day with a note taking the claimant off work. Evidence is conflicting whether the claimant related to the employer that the off-work slip was due to a work-related injury and whether the supervisor should have realized the off-work note was due to a work-related injury. The hearing officer determined that the date of injury pursuant to Section 408.007 was \_\_\_\_\_, the date a doctor took the claimant off work, and the date that the claimant knew or should have known that her claimed injury may be related to the employment. The hearing officer further determined that the claimant did not notify the employer of the claimed injury "[o]n or before March 16, 2000." The hearing officer's determination on the extent of injury is supported by the report of the Texas Workers' Compensation Commission-required medical examination doctor. (In essence the hearing officer found that the \_\_\_\_\_, injury does not extend to the claimed additional conditions.)

Conflicting evidence was presented on the disputed issues. 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 in the evidence and determined what facts have been established. 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, 176 (Tex. 1986).

In that we are affirming the hearing officer's determination that the claimant did not sustain a compensable injury, the claimant cannot, by definition in Section 401.011(16), have disability.

The hearing officer's decision and order are affirmed.

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

**CORPORATION SERVICE COMPANY  
800 BRAZOS  
AUSTIN, TEXAS 78701.**

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Chris Cowan  
Appeals Judge

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Margaret L. Turner  
Appeals Judge