

APPEAL NO. 032864
FILED DECEMBER 10, 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 (CCH) was held on October 7, 2003. The hearing officer determined that the respondent (claimant) sustained a compensable repetitive trauma injury; that the date of the compensable repetitive trauma injury is _____; that the claimant timely reported the injury to the employer pursuant to Section 409.001; and that the claimant had disability beginning September 19, 2002, and continuing to the CCH.

The appellant (carrier) appeals the timely notice and repetitive trauma injury determinations principally on sufficiency of the evidence grounds emphasizing evidence to the contrary. The claimant responds, urging affirmance.

DECISION

Affirmed.

The claimant, a long distance bus driver for 27 years, asserts a repetitive trauma injury to his left middle finger and carpal tunnel syndrome to his left wrist from driving the bus. The carrier contends that the claimant has had a prior right repetitive trauma injury, and points to conflicting evidence as to the date of injury pursuant to Section 408.007, which would affect the timely notice to the employer and other conflicting evidence regarding the repetitive trauma injury.

The questions of whether the claimant sustained a compensable repetitive trauma injury, whether he timely reported his injury, and whether he had disability, presented questions 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 fact finder, the hearing officer was charged with the responsibility of resolving the conflicts and inconsistencies in the evidence and deciding what facts the evidence had 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 factors emphasized by the carrier in challenging those determinations 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 issues before him. Nothing in our review of the record reveals that the challenged determination is so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). Accordingly, no sound basis exists for us to disturb those determinations on appeal.

The hearing officer's decision and order are affirmed.

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

**MARCUS CHARLES MERRITT
6600 CAMPUS CIRCLE DRIVE EAST, SUITE 200
IRVING, TEXAS 78063.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Elaine M. Chaney
Appeals Judge