

APPEAL NO. 033150
FILED JANUARY 28, 2004

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 November 6, 2003. The hearing officer determined that the respondent (claimant) sustained a compensable injury in the form of repetitive trauma with an injury date of _____, and that the claimant had disability from April 17, 2003, continuing through the date of the CCH.

The appellant (carrier) appeals, summarizing much of the evidence from its point of view and contending that the claimant had failed to prove an occupational disease caused by repetitive trauma. The appeal of the disability issue is premised solely on the finding of a compensable injury. The claimant responds, urging affirmance.

DECISION

Affirmed.

The claimant was employed as a telephone "collector" for the employer. There was an abundance of disputed evidence regarding the number of keystrokes the claimant was required to make. The hearing officer summarizes the medical evidence in some detail. The carrier's appeal, as well as position at the CCH, asserts that the claimant's work was not repetitively traumatic, that the claimant did not sustain an injury as defined in Section 401.011(26) (although the reports of several doctors were to the contrary), and that there were no scientific studies that establish a nexus between repetitive keyboarding and carpal tunnel syndrome. Essentially, the carrier asks us to substitute our judgment for that of the hearing officer.

The factors emphasized by the carrier in challenging the hearing officer's 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 **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS, SUITE 750, COMMODORE 1
AUSTIN, TEXAS 78701.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Margaret L. Turner
Appeals Judge