

APPEAL NO. 033278  
FILED FEBRUARY 12, 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 was held on November 18, 2003. The hearing officer determined that the respondent's (claimant) \_\_\_\_\_, compensable injury includes a cervical sprain/strain, a lumbar sprain/strain, and bilateral carpal tunnel syndrome (BCTS) and that the appellant (carrier) is not relieved from liability for the BCTS injury because the claimant timely reported an injury affecting her wrists to her employer and did not need to specify whether this injury was due to a specific incident or repetitive trauma. The carrier appeals these determinations and asserts that the hearing officer erred in refusing to add the following issue: Did the claimant sustain a compensable injury in the form of repetitive [BCTS] on \_\_\_\_\_? The claimant urges affirmance of the hearing officer's decision and asserts that the hearing officer properly excluded the aforementioned issue.

DECISION

Affirmed.

The carrier asserts that the hearing officer erred by declining to add the issue of whether the claimant sustained "a compensable injury in the nature of repetitive trauma [BCTS] on \_\_\_\_\_." It is the carrier's position that, with regard to the BCTS, the claimant was required to specify in her notice of injury to the employer that her wrists were injured as a result of *repetitive trauma*. The hearing officer explained that there was no need to add such issue because "an issue about repetitive trauma or a specific injury would be subsumed by the question of [whether] the compensable injury of \_\_\_\_\_, includes [BCTS]." We agree. In DeAnda v. Home Insurance Company, 618 S.W.2d 529 (Tex. 1980), the Supreme Court of Texas stated that to fulfill the purpose of the statutory provision relating to notice of injury, "the employer need only know the general nature of the injury and the fact that it is job related." Additionally, for purposes of filing of notice, a general description of the injury is sufficient and may be enlarged to include all injuries proximately resulting from the accident. Indemnity Insurance Co. v. Harris, 53 S.W.2d 631 (Tex. Civ. App.-Beaumont 1932, writ ref'd). Accordingly, we perceive no error in the hearing officer's refusal to add the requested issue or in his determination that the claimant had good cause for not reporting a carpal tunnel syndrome injury from repetitive trauma because she had already timely reported to her employer a bilateral wrist injury arising from the incident on \_\_\_\_\_.

Extent of injury was a factual question 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)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence including the medical evidence (Texas Employers Insurance Association v.

Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). It was the hearing officer's prerogative to believe all, part, or none of the testimony of any witness, including that of the claimant. Aetna Insurance Company v. English, 204 S.W.2d 850 (Tex. Civ. App.-Fort Worth 1947, no writ). Nothing in our review of the record indicates that the hearing officer's decision is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA** 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.**

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Chris Cowan  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Thomas A. Knapp  
Appeals Judge