

APPEAL NO. 033300
FILED FEBRUARY 9, 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 December 8, 2003. The hearing officer determined that the appellant (claimant) did not sustain a compensable repetitive trauma injury with a date of injury of _____; that because the claimant did not sustain a compensable injury, the injury does not include an injury to the cervical spine, right upper extremity, thoracic spine, chest, bilateral knees, and/or cervical spine MRI findings dated April 17, 2003 (1. cervical spondylosis at C5-6 with a broad shallow disc osteophyte complex narrowing the neural foramen of the right. 2. central disc protrusion at C4-5 minimally deforming the cord); and that because the claimant did not sustain a compensable injury, she did not have disability. The claimant appeals on sufficiency of the evidence grounds. The respondent (carrier) urges affirmance.

DECISION

Affirmed.

The claimant testified that she sustained a compensable repetitive trauma injury to multiple parts of her body while performing her job sewing side seams on pants. There was very little testimony regarding the way the claimant actually performed her job. After considering the claimant's testimony and the evidence presented by the parties, the hearing officer concluded that the claimant failed to prove that her work activities required repetitive, physically traumatic use of the complained-of body parts.

The hearing officer did not err in determining that the claimant did not sustain a compensable repetitive trauma injury on _____, that the alleged injury does not extend to and include the above-listed conditions, and that the claimant did not have disability. The injury and extent-of-injury determinations involved 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)) 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)). In view of the evidence presented, we cannot conclude that the complained-of determinations are 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 (Tex. 1986). Because the claimant did not sustain a compensable injury, the hearing officer properly concluded that the claimant did not have disability. Section 401.011(16).

The hearing officer's decision and order are affirmed.

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

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

Thomas A. Knapp
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Chris Cowan
Appeals Judge