

APPEAL NO. 040815  
FILED MAY 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 was held on March 15, 2004. The hearing officer determined that the appellant (claimant) did not sustain a repetitive trauma injury, that the date of injury (DOI) for the claimed repetitive trauma injury is \_\_\_\_\_, and that the claimant timely reported her claimed injury to the employer pursuant to Section 409.001. The hearing officer's determinations on the DOI and timely notice issues have not been appealed and have become final pursuant to Section 410.169.

The claimant appealed the injury issue on a sufficiency of the evidence basis, contending that she did sustain a compensable repetitive trauma injury. The respondent (carrier) responds, urging affirmance.

DECISION

Affirmed.

The claimant, a hospital unit secretary, is claiming a repetitive trauma injury in the form of bilateral carpal tunnel syndrome (BCTS) performing her duties. The hearing officer's background information sets out the facts and medical evidence in some detail and will not be repeated here.

Section 401.011(34) defines an occupational disease as including repetitive trauma injuries. See Section 401.011(36) for a definition of repetitive trauma injury. Whether the claimant's work activities with the employer (as opposed to other activities) were sufficiently repetitiously traumatic to cause the claimed injury was a factual determination for the hearing officer to resolve. The hearing officer determined that the claimant failed to prove that her BCTS was the result of her work-related activities with the employer.

The hearing officer's determination that the claimant did not sustain a compensable injury is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong or unjust. Thus, no sound basis exists for us to disturb the injury determination on appeal. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

Accordingly, the hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **TRAVELERS INDEMNITY COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM  
350 NORTH ST. PAUL  
DALLAS, TEXAS 75201.**

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Margaret L. Turner  
Appeals Judge