

APPEAL NO. 040894
FILED JUNE 10, 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 22, 2004. The hearing officer determined that the respondent (claimant) sustained a compensable, repetitive trauma injury on _____, and that she has had disability from June 16, 2003, through March 6, 2004.

The appellant (carrier) appeals, basically on sufficiency of the evidence grounds. The claimant responds, urging affirmance.

DECISION

Affirmed.

The claimant, a customer service representative asserts a repetitive trauma injury typing, keyboarding, and writing in conjunction with service calls. The claimant testified in some detail to the nature and extent of her duties; a video taken a year prior to the claimant's injury purports to show less of the repetitive features to which the claimant testified. The hearing officer found the claimant to have sustained right De Quervain's Syndrome, mild carpal tunnel syndrome, and tenosynovitis as diagnosed by the claimant's treating doctor.

The carrier appeals those determinations arguing that the hearing officer gave undue weight to the claimant's testimony, that the claimant's testimony was not clear, direct or positive, that the claimant's testimony was not credible (and that the case "is based primarily on the credibility of the Claimant's testimony") and that the claim was a retaliation claim. We simply note that all the carrier's complained-of factors deal with the weight and credibility that is given to the evidence and that by statute (Section 410.165(a)) the hearing officer is the sole judge of the weight and credibility to be given to the evidence. As the trier of fact, the hearing officer was charged with the responsibility of resolving the conflicts and inconsistencies in the evidence and deciding what facts the evidence has established. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). The hearing officer was acting within her province as the fact finder in resolving the conflicts and inconsistencies in the evidence in favor of the claimant. Nothing in our review of the record reveals that the challenged determinations are so against the great weight of the evidence as to be clearly wrong or manifestly unjust. 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 CASUALTY COMPANY OF READING, PENNSYLVANIA** and the name and address of its registered agent for service of process is

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

Thomas A. Knapp
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Edward Vilano
Appeals Judge