APPEAL NO. 040945
FILED JUNE 14, 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 March 24, 2004. The hearing officer resolved the disputed issues by deciding that the respondent (claimant) sustained a compensable injury in the nature of an occupational disease, specifically right De Quervain's syndrome; that the date of injury was _____; and that the claimant had disability for the periods beginning April 23 through May 1, 2003, and beginning again on August 29, 2003, and continuing through the date of the CCH. The appellant (self-insured) appealed, arguing that the hearing officer's findings of fact are insufficient in that they fail to establish that the claimant's activities were repetitive and traumatic in nature and that the claimant failed to establish a causal link, by a reasonable medical probability, between her condition and her employment. The appeal file does not contain a response from the claimant.

DECISION

Affirmed.

Section 401.011(34) defines occupational disease as including repetitive trauma injuries. The date of injury for a repetitive trauma injury (occupational disease) is the date the claimant knew or should have known that the disease "may be related to the employment." Section 408.007. Section 401.011(16) defines "disability" as "the inability because of a compensable injury to obtain and retain employment at wages equivalent to the preinjury wage." Whether the claimant's work activities were sufficiently repetitive to cause right De Quervain's syndrome, the date of injury, and disability were factual determinations for the hearing officer to resolve. Section 410.165(a) provides that the hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as of the weight and credibility that is to be given to the evidence. 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). The hearing officer specifically found that, for approximately two weeks preceding _____, while in the course and scope of her employment, the claimant repeatedly had to resecure a consumer's helmet by using her right thumb and fingers to fasten a tight clip while being struck about the hands and arms by the consumer, and that the use of her right thumb and fingers to fasten the clips was sufficiently repetitive and traumatic to be a producing cause of her right De Quervain's syndrome. The claimant testified about the number of times she was required to resecure the helmet. Further, the hearing officer noted, and the evidence reflects, that various doctors attributed the De Quervain's syndrome to the claimant's use of her right hand and thumb in trying to snap the helmet clip in place. The challenged findings and determinations are supported by sufficient evidence and are not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **STATE OFFICE OF RISK MANAGEMENT (a self-insured governmental entity)** and the name and address of its registered agent for service of process is

For service in person the address is:

RON JOSSELET, EXECUTIVE DIRECTOR
STATE OFFICE OF RISK MANAGEMENT
300 W. 15TH STREET
WILLIAM P. CLEMENTS, JR. STATE OFFICE BUILDING, 6TH FLOOR
AUSTIN, TEXAS 78701.

For service by mail the address is:

RON JOSSELET, EXECUTIVE DIRECTOR
STATE OFFICE OF RISK MANAGEMENT
P.O. BOX 13777
AUSTIN, TEXAS 78711-3777.

_____
Margaret L. Turner
Appeals Judge

CONCUR:

_____
Robert W. Potts
Appeals Judge

_____
Veronica L. Ruberto
Appeals Judge