

APPEAL NO. 041069
FILED JUNE 24, 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 10, 2004. The hearing officer resolved the disputed issues by deciding that the appellant/cross-respondent (claimant) did not sustain a compensable repetitive trauma injury; that the date of injury pursuant to Section 408.007 was _____; that the claimant timely reported the alleged injury to the employer; that the claimant has not had disability; and that the respondent/cross-appellant (carrier) waived the right to contest timely reporting of the injury. The claimant appeals the hearing officer's determinations that she did not sustain a compensable repetitive trauma injury and that she has not had disability. The claimant contends that there is sufficient evidence to support her claim that her work activities caused her to sustain a repetitive trauma injury and that she had disability as a result of that injury. The carrier appeals the hearing officer's determinations that the claimant timely notified her employer of her alleged injury and that the carrier waived the right to contest timely reporting of the injury. Neither party filed a response.

DECISION

Affirmed.

The disputed issues involved fact issues for the hearing officer to resolve from the conflicting evidence presented at the CCH. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. Although there is conflicting evidence in this case, we conclude that the hearing officer's 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 hearing officer's decision and order.

The true corporate name of the insurance carrier is **HARTFORD UNDERWRITERS INSURANCE COMPANY** 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.**

Robert W. Potts
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Veronica L. Ruberto
Appeals Judge