

APPEAL NO. 041711  
FILED SEPTEMBER 2, 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 June 22, 2004. The hearing officer resolved the disputed issue by deciding that on \_\_\_\_\_, the respondent (claimant) sustained a compensable injury to her left upper extremity in the form of cubital tunnel syndrome, an occupational disease, and had disability from January 29, 2004, through the date of the CCH. The appellant (self-insured) appealed, arguing that the determinations are against the overwhelming evidence so as to be clearly wrong or manifestly unjust. The claimant responded, urging affirmance.

DECISION

Affirmed.

Section 401.011(34) defines occupational disease as including repetitive trauma injuries. Whether the claimant's activities were sufficiently repetitive to cause the injury was a factual question for the hearing officer to resolve. It is well settled that the claimant's testimony alone can prove disability (Texas Workers' Compensation Commission Appeal No. 92167, decided June 11, 1992), and that objective medical evidence of disability is not required (Texas Workers' Compensation Commission Appeal No. 91083, decided January 6, 1992). Although there is conflicting evidence in this case, the hearing officer's determinations are supported by the testimony of the claimant and some of the medical records.

The disputed issues in this case involved factual questions 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, no writ). Nothing in our review of the record indicates that the hearing officer's decision is 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, 176 (Tex. 1986).

We affirm the decision and order of the hearing officer.

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

**LC  
(ADDRESS)  
(CITY), TEXAS (ZIP CODE).**

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Margaret L. Turner  
Appeals Judge

CONCUR:

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Thomas A. Knapp  
Appeals Judge

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Veronica L. Ruberto  
Appeals Judge