

APPEAL NO. 041823
FILED SEPTEMBER 1, 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 July 6, 2004. The hearing officer resolved the disputed issues by deciding that on _____, the respondent (claimant) sustained a compensable injury and had disability beginning on April 7, 2004, and continuing through the date of the CCH. The appellant (self-insured) appealed, disputing both the injury and disability determinations. The claimant responded, urging affirmance.

DECISION

Affirmed.

The claimant alleged that she sustained a compensable repetitive trauma injury to her upper extremities as a result of the repetitive job duties she performed in the course and scope of her employment with the employer. The claimant testified, describing the job duties which she has performed for the employer. The claimant presented medical evidence to support her claim that she sustained a compensable repetitive trauma injury, and that she has had disability as a result. The self-insured presented testimony and evidence from the claimant's supervisor to support its position that the claimant's job duties were not repetitive or traumatic, and that the claimant performed a variety of functions throughout the course of her employment.

The questions of whether the claimant sustained a compensable injury and whether she had disability presented questions of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the fact finder, 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 his 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. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). Accordingly, no sound basis exists for us to disturb those determinations on appeal.

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

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

Margaret L. Turner
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Thomas A. Knapp
Appeals Judge