

APPEAL NO. 041868  
FILED SEPTEMBER 22, 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 July 5, 2004. The hearing officer determined that the appellant (claimant) did not sustain a compensable injury in the form of an occupational disease on (alleged date of injury), and because the claimant did not sustain a compensable injury, she did not have disability.

The claimant appeals, stating that she does not think that she was treated fairly and that other workers have sustained the same type of injuries. The file does not contain a response from the respondent (self-insured).

DECISION

Affirmed.

The claimant, a service representative, alleges right shoulder and headache repetitive trauma injuries on \_\_\_\_\_. It is undisputed that the claimant sustained a prior injury in (prior date of injury), but it was disputed that the 2001 injury also included the right shoulder. The claimant apparently received a 14% impairment rating for the 2001 injury and the carrier alleges that the claimant's current problems are just a continuation or flare up of the 2001 injury. The hearing officer comments that "no credible medical evidence establishes a causal connection between Claimant's claimed thoracic, cervical and right shoulder injury and the job duties...."

The claimant has the burden of proving by a preponderance of the evidence that she sustained a new compensable injury to her right shoulder and sustained headaches due to her work-related activities. Johnson v. Employers Reinsurance Corporation, 351 S.W.2d 936 (Tex. Civ. App.-Texarkana 1961, no writ). The claimant is alleging a repetitive trauma injury. Section 401.011(36). To recover for an occupational repetitive trauma injury one must not only prove that the repetitious, physically traumatic activities occurred on the job, but must also prove a causal link existed between those activities and the injury. Davis v. Employers Insurance of Wausau, 694 S.W.2d 105 (Tex. App-Houston [14th Dist.] 1985, writ ref'd n.r.e).

Our review of the record does not disclose that the claimant was treated unfairly. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determinations are not 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 (Tex. 1986).

We affirm the hearing officer's decision and order.

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

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

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Chris Cowan  
Appeals Judge

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Gary L. Kilgore  
Appeals Judge