

APPEAL NO. 041989  
FILED OCTOBER 6, 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 21, 2004. The hearing officer determined that respondent (claimant) sustained a compensable repetitive trauma injury and that he had disability from February 10 through March 9, 2004. Appellant (carrier) appealed these determinations on sufficiency grounds. Carrier also contends that the hearing officer abused his discretion in admitting a document that it contends was not exchanged within 15 days of the benefit review conference. The file does not contain a response from claimant.

DECISION

We affirm.

Carrier contends that page one of Claimant's Exhibit No. 2 should not have been admitted into evidence because it was not timely exchanged. However, the hearing officer stated in the decision that the result would be the same even if the complained-of exhibit had not been admitted. The hearing officer could find that claimant sustained an injury based on claimant's testimony alone. Texas Workers' Compensation Commission Appeal No. 992608, decided January 3, 2000. Carrier has failed to show that reversible error resulted from the admission of page one of Claimant's Exhibit No. 2.

Carrier contends that the hearing officer erred in determining that claimant sustained a compensable repetitive trauma injury in this case. As stated above, the hearing officer could determine that claimant sustained a compensable injury based on claimant's testimony alone. Claimant stated that he had swelling and pain in his hands from using a crimping tool at work. We have reviewed the complained-of determination and conclude that the issue involved a fact question for the hearing officer. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determination is supported by the record and is 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, 176 (Tex. 1986). We also conclude that the hearing officer did not err in stating that the use of the crimping tools "at least caused spasms."

Carrier also contends that claimant did not have disability because there was no compensable injury. However, because we have affirmed the finding regarding compensability, carrier's argument regarding disability fails.

Carrier also contends that the hearing officer erred in making a determination regarding the date of injury. There was no issue regarding timely notice in this case.

Carrier does not include any argument in support of its contention. We perceive no error.

We affirm the hearing officer's decision and order.

According to information provided by carrier, the true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
800 BRAZOS, SUITE 750, COMMODORE 1  
AUSTIN, TEXAS 78701.**

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Judy L. S. Barnes  
Appeals Judge

CONCUR:

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Veronica L. Ruberto  
Appeals Judge

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Edward Vilano  
Appeals Judge