

APPEAL NO. 042140  
FILED OCTOBER 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 August 3, 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 respondent/cross-appellant (self-insured) is not relieved of liability under Section 409.002 because the claimant timely notified the self-insured of her injury pursuant to Section 409.001; and that because the claimant did not sustain a compensable injury, the claimant has not had disability. 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 self-insured appeals the hearing officer's determination that the claimant gave timely notice of her injury to the self-insured. The self-insured filed a response. No response was received from the claimant.

DECISION

Affirmed.

The claimant claimed that she sustained a repetitive trauma injury as a result of performing her work activities. The claimant had the burden to prove that she sustained a repetitive trauma injury as defined by Section 401.011(36), that she had disability as defined by Section 401.011(16), and that she timely notified the self-insured of her injury pursuant to Section 409.001. Conflicting evidence was presented at the CCH on the disputed issues. 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. We conclude that the hearing officer's determinations on the disputed issues 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). Without a compensable injury, the claimant would not have disability as defined by Section 401.011(16).

We affirm the hearing officer's decision and order.

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

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

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Robert W. Potts  
Appeals Judge

CONCUR:

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Veronica L. Ruberto  
Appeals Judge

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Edward Vilano  
Appeals Judge