

APPEAL NO. 000718

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 March 14, 2000. The hearing officer determined that the respondent (claimant) sustained a compensable injury on _____, that she did not make a knowing election of remedies, and that she had disability from _____, to March 12, 1999, and from August 18, 1999, to December 18, 1999. The self-insured appellant (referred to as Acarrier@herein) appeals these determinations on sufficiency grounds. Carrier also asserts that the hearing officer abused his discretion in excluding certain exhibits. Claimant responds that the hearing officer=s decision is correct.

DECISION

We affirm.

Carrier contends the hearing officer erred in determining that claimant sustained a compensable injury and that she had disability. The applicable law regarding injury and disability issues and our standard of review are set forth in Johnson v. Employers Reinsurance Corporation, 351 S.W.2d 936 (Tex. Civ. App.-Texarkana 1961, no writ); Texas Workers' Compensation Commission Appeal No. 92083, decided April 16, 1992; Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); and Texas Workers' Compensation Commission Appeal No. 950456, decided May 9, 1995. The applicable law regarding election of remedies is set forth in Texas Workers= Compensation Commission Appeal No. 991934, decided October 11, 1999. We have reviewed the carrier=s brief and the record and 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.

Carrier contends the hearing officer abused his discretion in excluding certain exhibits. We have reviewed the record and we conclude that, to the extent that the exclusion was error, no reversible error resulted.

We affirm the hearing officer's decision and order.

Judy L. Stephens
Appeals Judge

CONCUR:

Robert W. Potts
Appeals Judge

CONCUR IN RESULT ONLY:

I concur in the result. Though satisfied from reviewing the file that the evidence is sufficient to support the hearing officer's decision and order, I only concur in the result because the principal decision fails to adequately set forth the evidence, the contentions of the parties, and the analysis of the author judge.

Philip F. O'Neill
Appeals Judge