

APPEAL NO. 000928

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 April 5 and April 17, 2000. The record closed on April 17, 2000. The hearing officer determined that the appellant (claimant) did not sustain a compensable injury on _____, and that he did not have disability. The claimant appealed these determinations on sufficiency grounds. The respondent (carrier) responded that the Appeals Panel should affirm the hearing officer's decision and order.

DECISION

We affirm.

Claimant contends the hearing officer erred in determining that he did not sustain a compensable injury and that he did not have disability. The hearing officer summarized and discussed the facts in her decision and order. 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 matters claimant raises in his brief involved credibility and fact issues, which the hearing officer resolved. The hearing officer stated that she did not find claimant's evidence to be credible. She stated that she did not believe that an incident occurred during which claimant hurt his shoulder. Claimant asked the Appeals Panel to review the evidence to see whether certain medical evidence and testimony is credible. However, the Appeals Panel cannot do that because the hearing officer is the sole judge of the credibility of the evidence and her determinations are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain. Because claimant did not have a compensable injury, he did not have disability. Disability, by definition, requires that there must have been a compensable injury.

We affirm the hearing officer's decision and order.

Judy L. Stephens
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Gary L. Kilgore
Appeals Judge