

APPEAL NO. 000974

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 March 24, 2000. The hearing officer determined that the appellant (claimant) did not sustain a compensable injury on _____; that claimant did not timely report her injury to her employer; that claimant did not have good cause for failing to timely notify her employer; and that claimant did not have disability. The claimant appealed the adverse 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 she did not sustain a compensable injury and that she did not have disability. Claimant points to medical evidence and off-work slips that she contends support her claim. 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.

A review of the decision and order indicates that the hearing officer simply did not believe that claimant sustained a work-related injury as claimed. The hearing officer was acting within her province as fact finder in deciding what evidence she believed. The hearing officer stated that she did not find claimant's testimony to be persuasive. We have reviewed the record and we conclude that the hearing officer's determinations regarding injury and disability 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, she did not have disability. Disability, by definition, requires that there must have been a compensable injury.

Claimant contends the hearing officer erred in determining that she did not timely report her alleged injury. Claimant asserts that she reported her injury to her supervisor, Ms. B, on the day that it happened. Claimant testified that she reported her claimed back and shoulder injury on _____, right after the twisting incident; but Ms. B said that claimant did not report a claimed injury to her until June 20, 1999. The hearing officer resolved the conflicts in the evidence and determined that claimant did not timely report the claimed injury. We conclude that the hearing officer's determinations regarding timely notice are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain.

We affirm the hearing officer's decision and order.

Judy L. Stephens
Appeals Judge

CONCUR:

Alan C. Ernst
Appeals Judge

Tommy W. Lueders
Appeals Judge