

APPEAL NO. 000996

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 14, 2000. The hearing officer determined that the appellant (claimant) did not sustain a compensable injury on _____. The claimant appeals, urging that the evidence proves that he sustained an injury on _____. The respondent (carrier) replies that the hearing officer's decision is supported by sufficient evidence and should be affirmed.

DECISION

Affirmed.

The claimant testified that he sustained an electrical shock on _____, when he cut a live 110-volt wire and held onto it for 10 to 15 seconds. According to the claimant, the shock caused a left ear infection, migraine headaches, and arm, neck and shoulder pain. The claimant also testified that he sustained a prior work-related injury to his mid-back on _____. In evidence are medical records from Dr. F, who states "I believe that this electrical shock is contributing to his neck pain and may have caused his neck pain. I believe that there is a high probability that his neck pain and headaches are a result of the electrical shock he received at work." The carrier had the claimant examined by Dr. U. Dr. U states that it is unlikely that the electrical shock caused all of the problems experienced by the claimant.

The claimant had the burden to prove that he sustained an injury on _____. Johnson v. Employers Reinsurance Corporation, 351 S.W.2d 936 (Tex. Civ. App.-Texarkana 1961, no writ). The hearing officer was the sole judge of the weight and credibility to be given the evidence. Section 410.165(a). The hearing officer resolved conflicts in the evidence and determined that although the claimant was shocked, he did not sustain any additional damage or harm to the structure of his body, although he did suffer from transitory pain and disorientation. When reviewing a hearing officer's decision, we will reverse such decision only if it is so contrary to the overwhelming weight of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986). We find there was sufficient evidence to support the determination of the hearing officer that the claimant did not sustain a compensable injury on _____.

The decision and order of the hearing officer are affirmed.

Dorian E. Ramirez
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Philip F. O'Neill
Appeals Judge