

APPEAL NO. 001042

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 April 18, 2000. The hearing officer determined that the appellant (claimant) did not sustain a compensable hip injury and that he did not have disability. The claimant appeals these adverse determinations on sufficiency grounds. The respondent (carrier) responds 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 hip injury on _____, and that he did not have disability. Claimant points to medical evidence showing a diagnosis of hip strain and asserts that the hearing officer ignored medical evidence showing he did sustain damage or harm to the physical structure of his body in the form of a hip strain.

The hearing officer summarized and discussed the facts in her decision and order. Briefly, claimant testified at the CCH that on _____, he was working as a teacher and he felt hip pain while rising from a bended position. Claimant's MRI report for his hips, signed by Dr. C, stated that the results were within normal limits. 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 did not believe that claimant sustained damage or harm to the physical structure of his body at work, as he had claimed. She apparently determined that claimant sustained pain in his hip but no injury. The hearing officer was acting within her province as fact finder in deciding what evidence she believed. The hearing officer stated that claimant did not meet his burden of proof in this case. The hearing officer was free to reject the medical evidence offered by claimant and to decide what facts were established by the evidence before her. 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, 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:

Tommy W. Lueders
Appeals Judge

Philip F. O'Neill
Appeals Judge