

## APPEAL NO. 001734

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 June 28, 2000. The hearing officer determined that: (1) appellant (claimant) sustained a compensable injury to her left knee on \_\_\_\_\_; (2) claimant had disability from \_\_\_\_\_, through December 16, 1999; and (3) the injury was not caused by claimant's willful intention and attempt to injure herself. The claimant appealed the disability determination, asserting that her period of disability did not end on December 16, 1999. The respondent (carrier) responded that the Appeals Panel should affirm the hearing officer's decision.

### DECISION

We affirm.

Claimant contends the hearing officer erred in determining that her period of disability ended on December 16, 1999. Disability means the "inability because of a compensable injury to obtain and retain employment at wages equivalent to the preinjury wage." Section 401.011(16). Disability may be proven by the testimony of the claimant alone, if the hearing officer finds that testimony credible. This issue involves a fact question for the hearing officer. Texas Workers' Compensation Commission Appeal No. 000582, decided May 5, 2000. Medical evidence is not required to prove disability. Texas Workers' Compensation Commission Appeal No. 941566, decided January 4, 1995; Texas Workers' Compensation Commission Appeal No. 970835, decided June 23, 1997.

The hearing officer considered the evidence regarding disability and determined that claimant did not have disability after December 16, 1999. Claimant testified that she cannot return to work because of her knee injury and the standing that is required at work. However, the hearing officer was not required to believe this evidence. The hearing officer did not state that medical evidence was required, but noted that there was no medical evidence regarding disability after December 16, 1999. We conclude that the hearing officer's disability determination is not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

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Judy L. Stephens  
Appeals Judge

CONCUR:

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Alan C. Ernst  
Appeals Judge

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Susan M. Kelley  
Appeals Judge