

APPEAL NO. 001755

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 6, 2000. The hearing officer determined that the appellant (claimant) did not sustain a compensable knee injury on _____, and she did not have disability. Claimant appealed these determinations on sufficiency grounds. 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 left knee injury and that she did not have disability. The hearing officer discussed the facts in his decision and order. Briefly, claimant testified that on _____, the envelope machine she was operating malfunctioned and hit her left knee. A March 2000 MRI report stated that claimant had a probable tear in the anterior horn of the medial meniscus. The applicable law regarding injury and disability issues and our standard of review are set forth in Texas Workers' Compensation Commission Appeal No. 001101, decided June 30, 2000.

The matters claimant raises in her brief involved credibility and fact issues, which the hearing officer resolved. A review of the decision and order indicates that the hearing officer simply did not believe that claimant sustained an injury in the manner that she described. The hearing officer was acting within his province as fact finder in deciding what evidence he believed. The hearing officer noted that there was evidence that claimant had sustained a prior left knee injury in a _____ motor vehicle accident. Claimant complains that that prior injury was to her right knee, not her left knee. However, a pain drawing dated June 18, 1998, indicates that claimant's left knee was injured. Also, in a September 22, 1998, report, Dr. S diagnosed a left knee strain. Claimant asserts that she could not have done her work at the envelope machine if she had had a preexisting injury. However, this was something for the hearing officer to consider in making his determinations in this case. After reviewing the record, we conclude that the hearing officer's determinations are 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). 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.

We affirm the hearing officer's decision and order.

Judy L. Stephens
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Robert W. Potts
Appeals Judge