

APPEAL NO. 001803

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 July 18, 2000. The hearing officer determined that appellant (claimant) did not sustain a compensable injury and that he did not have disability. Claimant appeals these determinations on sufficiency grounds. 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 injury and that he did not have disability. Claimant asserts that: (1) the company doctor did not adequately examine claimant; (2) claimant had an injury because Dr. K gave him an impairment rating; (3) carrier did not produce any valid medical evidence that claimant did not have an injury; and (4) there was medical evidence that claimant did sustain an injury.

The hearing officer summarized the facts in her decision and order. Briefly, claimant said that on _____, he injured his back and neck when a heavy wrench fell about seven feet and hit his neck and shoulder area, knocking him to the ground.

The applicable law regarding injury and disability issues and our standard of review are set forth in Texas Workers' Compensation Commission Appeal No. 950456, decided May 9, 1995. The matters claimant raises in his brief involved credibility and fact issues, which the hearing officer resolved. A review of the decision and order indicates that the hearing officer did not believe the evidence about the alleged injury. The hearing officer was acting within her province as fact finder in deciding what evidence she believed. The hearing officer stated that claimant's testimony was not credible and that the evidence did not show that claimant sustained a compensable injury or that he had disability. 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, he did not have disability. Disability, by definition, requires that there must have been a compensable injury. Section 401.011(16).

Claimant asserts that the hearing officer disregarded the evidence and complains that she did not accurately list the exhibits in this case. There is nothing to indicate that the hearing officer did not consider the evidence before her. She discussed the doctors' reports that were admitted into evidence and the record reflects the exhibits that were admitted. The exhibits are in the file before us. It appears that the hearing officer did incorrectly list the exhibits in this case. However, this appears to be a clerical or typographical error and we perceive no reversible error. See Texas Workers' Compensation Commission Appeal No. 981719, decided September 9, 1998.

We affirm the hearing officer's decision and order.

Judy L. Stephens
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Tommy W. Lueders
Appeals Judge