

APPEAL NO. 001807

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 29, 2000. The hearing officer determined that the appellant (claimant) did not sustain a compensable back injury on _____, and that he did not have disability. Claimant appealed 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 points to evidence he contends supports his claim and complains of the hearing officer's determinations regarding credibility. The hearing officer summarized and discussed the facts in her decision and order. Briefly, claimant testified that he sustained an injury in a motor vehicle accident when the driver of the van he was in backed into a car while traveling about 10 or 15 miles an hour. Claimant said he went to the hospital that day, that he received a prescription for medication, and that he returned to work the next day.

The applicable law regarding injury and disability issues and our standard of review are discussed 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. The hearing officer stated that claimant did not meet his burden of proof. Although claimant complains that carrier did not offer certain evidence, we note that carrier did not have the burden of proof in this case. The hearing officer decided what evidence she believed regarding the issues. The hearing officer's determination that claimant did not sustain a compensable injury 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). Because claimant did not have a compensable injury, he did not have disability. A claimant must have a compensable injury in order to have disability.

We affirm the hearing officer's decision and order.

Judy L. Stephens
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Thomas A. Knapp
Appeals Judge