

APPEAL NO. 002450

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* On September 1, 2000, a contested case hearing (CCH) was held. The hearing officer resolved the disputed issues by deciding that the appellant (claimant) did not sustain an injury in the course and scope of her employment on \_\_\_\_\_; that the claimant did not timely report an injury to her employer within 30 days of the claimed injury; that the claimant did not have good cause for not timely reporting an injury to the employer; and that the claimant has not had disability. The claimant appealed. The respondent (carrier) responded.

DECISION

The hearing officer's decision is affirmed.

The claimant testified that she was performing her job duties as a pattern cutter on \_\_\_\_\_, when the machine that she was pulling paper from jerked her back, causing injury to her back. The claimant said that on \_\_\_\_\_ she notified her supervisor, HG, that she injured her back when pulling on the paper and that she also notified another supervisor of her injury on that day. She said that two days later she notified a third supervisor of her injury. The claimant had surgery for a herniated lumbar disc in July 2000. Hospital records of \_\_\_\_\_, noted that the claimant complained of lower back pain but that she denied having an injury or trauma to her back. HG stated that the claimant asked him for a back support but did not report a work injury to him. An employer document reflected that the claimant first reported her injury to the employer on October 22, 1999.

There was conflicting evidence presented at the CCH. It was the hearing officer's responsibility as the fact finder to resolve the conflicts in the evidence. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). We conclude that the hearing officer's determinations on the issues are supported by sufficient evidence and are not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986). Without a compensable injury, the claimant would not have disability as defined by Section 401.011(16).

The hearing officer's decision and order are affirmed.

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Robert W. Potts  
Appeals Judge

CONCUR:

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Kathleen C. Decker  
Appeals Judge

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Judy L. Stephens  
Appeals Judge