

APPEAL NO. 002460

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 September 25, 2000. The hearing officer determined that the appellant (claimant) did not sustain a compensable injury on _____, and that he did not have disability. Claimant appealed these adverse determinations on sufficiency grounds. The file does not contain a response from respondent (carrier).

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. The hearing officer summarized and discussed the facts in his decision and order. Briefly, claimant testified that he sustained an injury loading a large desk. He said he saw a doctor in January 2000 and then saw a doctor again in April. Medical records from January 2000 indicate that claimant presented complaining of rectal bleeding while straining to lift, back pain, and groin pain. The doctor claimant saw in April 2000 diagnosed, among other things, lumbar disc syndrome and neuralgia.

Claimant said he told Mr. D about the alleged injury when it occurred and that he was told that the paperwork would be filled out and "faxed off." Mr. D testified that he worked with claimant on _____, but that he did not recall claimant reporting an injury or pain. Mr. D said he found out that claimant was claiming an injury when claimant's mother called on January 15, 2000. Mr. D said he talked to claimant after that, and claimant told him he had a groin injury, not a back injury. Mr. D indicated he found out that claimant was claiming a back injury when he came to the benefit review conference.

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 hearing officer, as the fact finder, reviewed the evidence and determined what facts were established. The hearing officer stated that claimant did not meet his burden to prove he sustained a compensable injury. We have reviewed the record and we conclude that 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:

Kathleen C. Decker
Appeals Judge

Philip F. O'Neill
Appeals Judge