

APPEAL NO. 002492

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 22, 2000. The hearing officer determined that the respondent (claimant) sustained an injury in the course and scope of her employment but that she did not timely file a claim within one year. Despite the fact that it prevailed at the hearing, appellant (carrier) appealed the determination regarding whether claimant injured her neck at work. The file does not contain a response from claimant.

DECISION

We affirm.

Carrier contends the hearing officer erred in determining that claimant sustained a neck injury at work. The hearing officer summarized and discussed the facts in her decision and order. Briefly, claimant said she injured her neck while moving clothes from a wall unit at work. She testified that she was looking up and reaching up for the clothes when she felt her neck pop. Claimant was diagnosed with a cervical strain.

The applicable law and our standard of review are discussed in Texas Workers' Compensation Commission Appeal No. 001392, decided July 24, 2000. The matters carrier raises in its brief involved credibility and fact issues, which the hearing officer resolved. A review of the decision and order indicates that the hearing officer found claimant credible regarding her mechanism of injury. The hearing officer could find that claimant injured her neck at work based on claimant's testimony alone, without supporting medical evidence regarding causation. Texas Workers' Compensation Commission Appeal No. 001577, decided August 23, 2000. We conclude that the hearing officer's determination 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).

We affirm the hearing officer's decision and order.

Judy L. Stephens
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Thomas A. Knapp
Appeals Judge