

APPEAL NO. 002539

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). On September 28, 2000, a hearing was held. The hearing officer resolved the disputed issue by deciding that the appellant (claimant) did not sustain a compensable injury on _____, 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 he injured his back lifting heavy items at work on _____. There is conflicting evidence as to whether the claimant's back injury occurred at work as claimed. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). The hearing officer's finding that the claimant did not sustain a work-related injury on _____, and his decision that the claimant did not sustain a compensable injury on _____, 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. Without a compensable injury, the claimant would not have disability as defined by Section 401.011(16).

With regard to the claimant's contention regarding the exhibits, although the hearing officer did not individually list each document that is in Claimant's Exhibit No. 1, all of the exhibits offered by the claimant were admitted into evidence. With regard to the claimant's contention regarding Carrier's Exhibit No. 4, no objection was made to that exhibit when it was offered into evidence. We do not find reversible error in the listing of the exhibits or in the admission of the exhibits.

The hearing officer's decision that the claimant did not sustain a compensable injury on _____, and that the claimant has not had disability is affirmed.

Robert W. Potts
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Thomas A. Knapp
Appeals Judge