

APPEAL NO. 002581

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 October 19, 2000. With regard to the only issue before her the hearing officer determined that the respondent (claimant) had disability from June 23, 2000 (all dates 2000 unless otherwise noted), through September 6.

The appellant (self-insured) appealed, contending that the claimant took herself off work and that the medical evidence does not support the claimant's contention. The appeal file does not contain a response from the claimant.

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable left wrist and left thumb injury on _____. It is undisputed that the claimant continued to work. The claimant testified that her work tripled in April (her supervisor agreed that the work substantially increased during this time) and that her injury became more painful until she could no longer work on June 23. The claimant testified that she sought an appointment with her treating doctor as soon as possible which was June 28, when Dr. K, a chiropractor, took her off work, retroactive to June 23. Other reports from Dr. K in July support that the claimant was in an off-work status. The claimant returned to work at her preinjury wage on September 7. Dr. B, the self-insured's required medical examination doctor, in a report dated October 16, was of the opinion that the claimant had not suffered "further harm or damage" and could have continued to work. There was extensive testimony regarding the claimant's job duties.

The evidence at hand was conflicting. We hold the hearing officer's decision to be supported by the evidence and 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).

Accordingly, the hearing officer's decision and order are affirmed.

Thomas A. Knapp
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Robert W. Potts
Appeals Judge