

APPEAL NO. 002610

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: (1) appellant (claimant) did not sustain a compensable injury; (2) the date of injury was \_\_\_\_\_; (3) claimant did not have disability; and (4) claimant did not timely report her alleged injury. Claimant appealed the determinations regarding injury, disability, and timely reporting. Respondent (carrier) responds that the hearing officer's decision and order are correct.

DECISION

We affirm.

Claimant contends the hearing officer erred in determining that she did not sustain a compensable, repetitive trauma injury; that she did not have disability; and that she did not timely report her claimed injury to her employer. In her brief, claimant asserts that she did report her claimed injury and that she was unable to obtain and retain employment at wages equivalent to the preinjury wage. The applicable law and our standard of review are discussed in Texas Workers' Compensation Commission Appeal No. 992520, decided December 31, 1999. The matters claimant raises in her brief involved credibility and fact issues, which the hearing officer resolved after reviewing the conflicting evidence. It appears that the hearing officer simply did not believe that claimant sustained the claimed injury at work or that she reported the claimed injury to her employer as she claimed at the hearing. The hearing officer's determinations are 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 note that, because claimant did not have a compensable injury, she 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.

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Judy L. Stephens  
Appeals Judge

CONCUR:

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Susan M. Kelley  
Appeals Judge

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Philip F. O'Neill  
Appeals Judge