

APPEAL NO. 002626

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 17, 2000. The hearing officer determined that appellant (claimant) did not sustain a compensable injury, that he did not have disability and that he was not in a state of intoxication at the time of his alleged injury. Claimant appealed the determinations regarding injury and disability on sufficiency grounds. Respondent (carrier) responded that the Appeals Panel should affirm the hearing officer's decision and order.

DECISION

We affirm.

Claimant contends the hearing officer erred in determining that he did not sustain a compensable knee injury and that he did not have disability, pointing to evidence he contends supports his claim. 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 matters claimant raises in his brief involved credibility and fact issues, which the hearing officer resolved. It appears that the hearing officer simply did not believe that claimant sustained the claimed injury at work. 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.

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Judy L. Stephens  
Appeals Judge

CONCUR:

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Susan M. Kelley  
Appeals Judge

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Gary L. Kilgore  
Appeals Judge