

## APPEAL NO. 002722

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on October 30, 2000. The hearing officer resolved the disputed issues of injury, disability, and timely report of injury by deciding:

1. The respondent (claimant herein) suffered an injury in the form of an occupational disease on \_\_\_\_\_.
2. The claimant had disability on June 18, 1999; June 21, 1999; July 29, 1999; September 17, 1999; and December 23, 1999.
3. The claimant timely reported his injury to his employer.

The appellant (self-insured herein) appealed, contending that there was insufficient evidence presented at the CCH to establish that the claimant's eczematous dermatitis was related to his employment and that it was in fact an ordinary disease of life. The self-insured also argued that absent a compensable injury, the claimant could not have disability. There is no response from the claimant to the self-insured's request for review in the appeal file.

### DECISION

Finding sufficient evidence to support the decision of the hearing officer and no reversible error in the record, we affirm the decision and order of the hearing officer.

There was conflicting evidence presented at the CCH on the appealed issues. The claimant testified that as part of his building maintenance job for the self-insured that he cleaned drains on the roof of a building. The claimant testified that the drains contained pigeon droppings. Dr. B, the claimant's treating doctor, diagnosed the claimant as having eczematous dermatitis, which he stated was aggravated or possibly caused by dust from pigeon feces at work. Dr. W expressed the opinion that he did not believe that bird excrement was a cause of the claimant's dermatitis. The hearing officer's finding that the claimant's eczematous dermatitis was an injury in the form of an occupational disease was supported by medical evidence from Dr. B. There was contrary evidence from Dr. W. The question under our standard of review was whether the hearing officer's determinations were 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). Applying this standard, we find sufficient evidence to support the hearing officer's finding that the claimant suffered an occupational disease on \_\_\_\_\_.

The self-insured's challenge of the hearing officer's resolution of the disability issue hinges on its argument that the claimant did not suffer a compensable injury. Having

rejected the self-insured's attack on the hearing officer's injury finding, we likewise reject its challenge of the hearing officer's determination regarding disability.

The decision and order of the hearing officer are affirmed.

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Gary L. Kilgore  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Philip F. O'Neill  
Appeals Judge