

APPEAL NO. 002770

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). On October 18, 2000, and October 27, 2000, a hearing was held.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant did not sustain a compensable injury in the form of an occupational disease. The claimant had the burden to prove a causal connection between his employment at (employer) and his bronchitis. Texas Workers' Compensation Commission Appeal No. 94309, decided April 29, 1994. There was conflicting evidence presented at the hearing regarding this issue. The hearing officer's determination 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 (Tex. 1986).

The hearing officer did not err in determining that the claimant did not have a disability. The 1989 Act requires the existence of a compensable injury as a prerequisite to the finding of disability. Section 401.011(16). Because the claimant was found not to have sustained a compensable injury, the hearings officer properly concluded that the claimant did not have a disability.

The decision and order of the hearing officer are affirmed.

Gary L. Kilgore
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Philip F. O'Neill
Appeals Judge