

APPEAL NO. 002775

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 November 13, 2000. With respect to the issues before her, the hearing officer determined that the appellant (claimant) did not sustain a compensable injury in the form of an occupational disease with a date of injury of _____, and that the claimant timely reported her alleged injury to her employer, thus, the respondent (carrier) would not be relieved of liability under Section 409.002, if the claimant had sustained a compensable injury. In her appeal, the claimant argues that the hearing officer's decision that she did not sustain a compensable injury is against the great weight of the evidence. In its response to the claimant's appeal, the carrier urges affirmance. The carrier did not appeal the hearing officer's determination on timely notice and it has, therefore, become final. Section 410.169.

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. Section 410.165(a) provides that the hearing officer is the sole judge of the weight and credibility of the evidence. In her role as the fact finder, the hearing officer determined that the claimant did not sustain her burden of proving the causal connection between her left wrist ganglion cyst and her employment. Nothing in our review of the record demonstrates that the hearing officer's determination in that regard is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Thus, no sound basis exists for us to reverse the hearing officer's injury determination on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

Elaine M. Chaney
Appeals Judge

CONCUR:

Kenneth A. Huchton
Appeals Judge

Susan M. Kelley
Appeals Judge