

APPEAL NO. 002789

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). On November 9, 2000. The appellant/cross-respondent (claimant) appealed and the respondent/cross-appellant (carrier) filed a conditional cross-appeal.

DECISION

Affirmed.

It was undisputed that the claimant was involved in a motor vehicle accident while driving a company truck on a service call on \_\_\_\_\_. The parties offered conflicting evidence on whether the claimant was injured in that accident; on whether the claimant reported an injury to his employer before May 23, 2000; and on whether the claimant had an inability, due to injuries sustained on \_\_\_\_\_, to obtain and retain employment after the claimant quit working for the employer on May 23, 2000.

The hearing officer did not err in determining that the claimant sustained an injury in the course and scope of his employment on \_\_\_\_\_. It is not determinative that the claimant did not report an injury to the police officer investigating the accident or to his employer's representatives at the scene.

The hearing officer did not err in determining that the claimant did not report a work-related injury to his employer within 30 days of the date of the injury. Furthermore, the hearing officer did not err in finding that the claimant did not have good cause for failing to report the injury to his employer when the claimant sought medical treatment for his injuries the day after the motor vehicle accident.

There was conflicting evidence of whether the claimant was unable to work as a result of his injuries. It is not dispositive that the claimant's treating doctor took the claimant off work on April 11, 2000, especially when the claimant continued to work full duty for the employer for more than a month thereafter. The hearing officer did not err in determining that the claimant was not unable to obtain and retain employment and did not have disability resulting from the work-related injuries of \_\_\_\_\_, from May 25, 2000, through October 13, 2000.

The decision and order of the hearing officer are affirmed.

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Kenneth A. Huchton  
Appeals Judge

CONCUR:

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Susan M. Kelley  
Appeals Judge

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Thomas A. Knapp  
Appeals Judge