

APPEAL NO. 002866

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 20, 2000. With respect to the single issue before him, the hearing officer determined that the appellant (claimant) did not sustain his burden of proving that he had disability, as a result of his _____, compensable injury, at any point through the date of the hearing on November 20, 2000. In his appeal, the claimant asserts that the hearing officer erred in making his disability determination and asks that we render a decision in his favor. The appeal file does not contain a response to the claimant's appeal from the respondent (carrier).

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant did not sustain his burden of proving that he had disability, as a result of his _____, compensable injury, through the date of the hearing. The hearing officer determined that the claimant was less than forthright in his testimony regarding the nature and duration of the services he was providing to a construction company in the period of time that he was alleging disability and as to the amount of his earnings for those services. The hearing officer's determination in that regard is sufficiently supported by the record. The hearing officer further determined that the claimant's lack of candor resulted in his not being able to sustain his burden of proving that he had disability. We find no merit in the claimant's assertion that the hearing officer erred in making that determination. Accordingly, we affirm the hearing officer's disability determination.

The hearing officer's decision and order are affirmed.

Elaine M. Chaney
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Gary L. Kilgore
Appeals Judge