

APPEAL NO. 002906

This appeal arises pursuant to the Texas Workers= Compensation Act, TEX. LAB. CODE ANN. ' 401.001 *et seq.* (1989 Act). On November 20, 2000, a hearing was held. The hearing officer resolved the disputed issues by deciding that the respondent (claimant) sustained a compensable injury to his right knee on \_\_\_\_\_, which resulted in disability from June 19 through June 22, 2000. The appellant (carrier) appealed. No response was received from the claimant.

DECISION

The hearing officer=s decision is affirmed.

The hearing officer did not err in determining that the claimant sustained a compensable injury to his right knee on \_\_\_\_\_, and that he had disability from June 19 to June 22, 2000. The claimant=s testimony that he injured his right knee at work on \_\_\_\_\_, when he fell in a trench while performing his job duties and some of the medical records in evidence support the hearing officer=s determinations on the issues of injury and disability. The conflicting evidence was for the hearing officer to resolve as the finder of fact. The hearing officer=s decision is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust.

The hearing officer did not err in excluding Carrier=s Exhibit No. 4, a personnel action form dated May 11, 2000, which was not shown to have been timely exchanged with the claimant.

The hearing officer=s decision and order are affirmed.

Robert W. Potts  
Appeals Judge

CONCUR:

Elaine M. Chaney  
Appeals Judge

Thomas A. Knapp  
Appeals Judge