

APPEAL NO. 002927

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on November 29, 2000. The hearing officer resolved the disputed issues of injury, timely contest of injury, and disability by deciding:

1. The respondent (claimant herein) sustained a compensable injury on _____.
2. The appellant (carrier herein) did timely contest the compensability of the claimant's injury.
3. The claimant did not have disability.

The carrier appealed, contending that the hearing officer's finding that the claimant sustained a compensable injury was contrary to the evidence. The claimant responds that there is sufficient evidence in the record to support the hearing officer's finding of injury.

DECISION

Finding sufficient evidence to support the decision of the hearing officer and no reversible error in the record, we affirm the decision and order of the hearing officer.

There was conflicting evidence presented at the CCH on the issue of injury. The claimant testified that she was injured while working for the employer, a nursing home, while lifting groceries. There was testimony from coworkers that the claimant was injured at home the night before. The question under our standard of review was whether the hearing officer's determinations were 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, 176 (Tex. 1986). Applying this standard, we find sufficient evidence to support the hearing officer's finding that the claimant sustained a compensable injury on _____.

The decision and order of the hearing officer are affirmed.

Gary L. Kilgore
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Robert E. Lang
Appeals Panel
Manager/Judge