

APPEAL NO. 010089

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). On November 1, 2000, a hearing was held. The hearing officer resolved the disputed issues by deciding that the appellant (claimant) did not sustain a compensable injury on _____; that the claimant did not notify his employer of an injury on or before the 30th day after the injury; that good cause did not exist for failing to timely notify the employer of the injury; and that the claimant has not had disability. The claimant appealed and the respondent (carrier) responded.

DECISION

The hearing officer's decision is affirmed.

There is conflicting evidence as to how, when, and where the claimant developed an infection in his right foot that eventually resulted in the amputation of his right leg. There is also conflicting evidence regarding whether the claimant timely notified his employer of his claimed work-related injury. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the trier of fact the hearing officer resolves the conflicts in the evidence and determines what facts have been established from the evidence presented. The hearing officer's decision that the claimant did not sustain a compensable injury and that the claimant did not timely notify his employer of his claimed injury is supported by sufficient evidence and is not against the great weight and preponderance of the evidence. Without a compensable injury, the claimant would not have disability as defined by Section 401.011(16).

The hearing officer's decision and order are affirmed.

Robert W. Potts
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Susan M. Kelley
Appeals Judge