

APPEAL NO. 010173

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 December 19, 2000. With respect to the issues before him, the hearing officer determined that the appellant's (claimant) compensable injury of _____, does not extend to or include an injury to his neck, shoulders, or low back; and that the claimant did not have disability. In his appeal, the claimant essentially argues that those determinations are against the great weight of the evidence. In its response to the claimant's appeal, the respondent (carrier) urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant's compensable injury did not extend to his neck, both shoulders, or low back. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165. The hearing officer noted that the claimant did not report an injury to his neck, shoulders, or low back, or seek medical treatment until after he learned that his employment was being terminated, and that the claimant worked for several days without apparent difficulty after his injury. Those factors were properly considered by the hearing officer in making his credibility determinations. The hearing officer was acting within his role as the fact finder in determining that the claimant did not sustain his burden of proof on the extent issue. Nothing in our review of the record indicates that the hearing officer's determination that the compensable injury did not extend to the claimant's neck, both shoulders, or low back is so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to disturb that determination on appeal. Pool v. Ford Motor Co., 715 S.W.2d 629, 635 (Tex. 1986); Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The success of the claimant's argument that he had disability is premised upon the success of his argument on the extent of his injury. Given our affirmance of the hearing officer's extent-of-injury determination, we likewise affirm his determination that the claimant did not have disability as a result of his compensable injury, the scrape on his leg.

The hearing officer's decision and order are affirmed.

Elaine M. Chaney
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Thomas A. Knapp
Appeals Judge