

## APPEAL NO. 010213

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). On January 10, 2001, 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 date of the claimed injury was \_\_\_\_\_; that the claimant did not timely report his claimed injury to his employer and did not have good cause for failing to do so; and that the claimant has not had disability. The claimant appealed and the respondent (carrier) responded.

### DECISION

The hearing officer's decision is affirmed.

The claimant testified that he injured his lower back on \_\_\_\_\_, while lifting heavy parts at work and that he reported his injury to his supervisor on that day. The plant manager testified that the claimant did not report a work-related injury until September 1999, more than 30 days after the claimed date of injury. Some medical reports note that the claimant has a lumbar sprain with radiculopathy. Another medical report noted that the claimant thinks he may have injured his back at work but that he does not remember if he did. The doctor who examined the claimant at the carrier's request reported that he found no objective medical evidence of a lumbar compensable injury having occurred on or about \_\_\_\_\_, as alleged by the claimant.

The hearing officer determined that the claimant did not sustain a compensable injury on \_\_\_\_\_; that the claimant did not timely report his claimed injury to his employer (Section 409.001 provides for notice of injury to the employer not later than the 30th day after the date of injury) and did not have good cause for failing to timely report the claimed injury; and that the claimant has not had disability. Without a compensable injury, the claimant would not have disability as defined by Section 401.011(16). Conflicting evidence was presented to the hearing officer. 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. 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's decision and order are affirmed.

---

Robert W. Potts  
Appeals Judge

CONCUR:

---

Elaine M. Chaney  
Appeals Judge

---

Philip F. O'Neill  
Appeals Judge