

## APPEAL NO. 010231

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). On December 4, 2000, a hearing was held. The hearing officer resolved the disputed issues by deciding that the appellant/cross-respondent (claimant) did not sustain a compensable injury on or about \_\_\_\_\_; that the claimant reported an injury to her employer on or before the 30th day after the injury; and that the claimant has not had disability because she did not sustain a compensable injury. The claimant appealed the hearing officer's decision on the issues of compensable injury and disability and the carrier appealed the hearing officer's decision on the issue of timely notice.

### DECISION

Affirmed.

The claimant testified that on \_\_\_\_\_, while working as a cook, she injured herself when she pushed a silverware and tray cart that had wheels on it for a few feet with her arms and left leg in order to open a refrigerator door, and that on May 1, 2000, she notified a supervisor that she had been injured while pushing the cart. The hearing officer considered the conflicting evidence, including the claimant's testimony, medical reports, and written statements, and determined that the claimant did not sustain a compensable injury on \_\_\_\_\_, but that the claimant did timely notify her employer of her "claimed injury." Without a compensable injury, the claimant would not have disability as defined by Section 401.011(16). 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 determinations on the disputed issues are supported by sufficient evidence and are 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.

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Robert W. Potts  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Philip F. O'Neill  
Appeals Judge