

APPEAL NO. 010241

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 January 11, 2001. The hearing officer determined that: (1) the appellant (claimant) did not sustain a compensable injury; (2) claimant timely reported his injury within 30 days of \_\_\_\_\_; (3) claimant did not have disability because he did not sustain a compensable injury; and (4) there was no knowing election of remedies. Claimant appealed the determinations regarding injury and disability on sufficiency grounds. Claimant also appeared to appeal the determination regarding timely notice, however, he prevailed on that issue. The determination regarding election of remedies was not appealed. Respondent (carrier) responded that the Appeals Panel should affirm the hearing officer's decision and order.

DECISION

We affirm.

Claimant appeals the hearing officer's injury and disability determinations on sufficiency grounds. The matters claimant complained of in his brief primarily concerned credibility and fact issues, which were for the hearing officer to consider. We have reviewed the complained-of determinations and we conclude that they are not 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). Claimant complained that he was held to a higher burden of proof, however, the record does not support this assertion. The hearing officer determined that claimant did not meet his burden to prove that he sustained a compensable injury. We perceive no error.

We affirm the hearing officer's decision and order.

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Judy L. S. Barnes  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Philip F. O'Neill  
Appeals Judge