

APPEAL NO. 010291

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 4, 2001. With regard to the unresolved issues before him, the hearing officer determined that the appellant (claimant) had not sustained a compensable injury; that the claimant had timely reported an injury; that because the claimant did not have a compensable injury, the claimant did not have disability; and that the date of the claimed injury was \_\_\_\_\_. The date of injury and timely reporting issues were not appealed.

The claimant appealed each adversely decided issue. The appeals file does not contain a response from the respondent (carrier).

DECISION

Affirmed.

The claimant was the owner/operator of a truck and he was employed to make long-haul trips delivering freight. The claimant contends that he was on one of the long-haul trips (out-of-state) when he was injured. The claimant testified that he injured his left hip when he pushed the clutch of his truck because he had to leave the road suddenly. He believes he sustained a specific injury on \_\_\_\_\_

On August 21, 2000, the claimant went to Dr. M, a chiropractor who treated him for low back and leg pain. Subsequently, the claimant was referred to Dr. H, who diagnosed severe arthritis. Dr. H noted that the claimant had no cartilage in the left hip and described the left hip as "bone on bone." The claimant had broken his leg as a child and as a result his left leg is shorter than his right by about three inches. The claimant has worn an elevated shoe on his left foot since 1983.

The claimant appeals the hearing officer's decision. The matters the claimant complained of were fact issues, which were for the hearing officer to consider. The hearing officer weighed the credibility and inconsistencies in the evidence and the hearing officer's determination on the issues is not against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951).

Accordingly, the hearing officer's decision and order are affirmed.

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Philip F. O'Neill  
Appeals Judge

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Robert W. Potts  
Appeals Judge