

APPEAL NO. 010292

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). Following a contested case hearing held on December 28, 2000. The hearing officer resolved the disputed issues by determining that the respondent (claimant) sustained a compensable injury to his low back on _____, and that he had disability from September 11, 2000, through the date of the hearing. The appellant (carrier) urges on appeal that these determinations should be reversed because the evidence is insufficient to support them. The file does not contain a response from the claimant.

DECISION

Affirmed.

The hearing officer did not err in reaching the challenged determinations. The testimony of the claimant, a gas pipeline construction laborer, that he injured his low back on _____, while lifting 100-pound bags of sand from a pallet up to his knees and then up to his shoulder and onto a truck and that he has not been released to return to work by his doctor, is unrefuted and finds support in his medical records. The carrier focused its evidence on its contention that the claimant did not report an injury to his supervisor; however, timely notice of injury was not a disputed issue. We are satisfied that the determinations made by the hearing officer, who is the sole judge of the weight and credibility of the evidence, 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).

The decision and order of the hearing officer are affirmed.

Philip F. O'Neill
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Robert E. Lang
Appeals Panel
Manager/Judge