

APPEAL NO. 010317

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on January 18, 2001. The hearing officer resolved the disputed issues of injury and disability by deciding:

1. The appellant (claimant herein) did not sustain a compensable injury on _____.
2. The claimant did not have disability.

The claimant appealed, contending that these determinations were contrary to the evidence. The respondent (carrier herein) replies that there is sufficient evidence in the record to support the hearing officer's decision.

DECISION

Finding sufficient evidence to support the decision of the hearing officer and no reversible error in the record, we affirm the decision and order of the hearing officer.

There was conflicting evidence presented at the CCH on the issue of injury. The claimant testified that he was injured while working as the assistant manager of a grocery store when he lifted a box containing food products. Early medical reports do not contain a history of injury. There was testimony from a supervisor and a coworker that the claimant told them that he did not know how he was injured. The question under our standard of review was whether the hearing officer's determinations were 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). Applying this standard, we find sufficient evidence to support the hearing officer's finding that the claimant did not sustain a compensable injury on _____. With no compensable injury found, there is no loss upon which to find disability. By definition, disability depends upon a compensable injury. See Section 401.011(16).

The decision and order of the hearing officer are affirmed.

Gary L. Kilgore
Appeals Judge

CONCUR:

Philip F. O'Neill
Appeals Judge

Robert W. Potts
Appeals Judge