

APPEAL NO. 010329

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 22, 2001. The hearing officer determined that respondent/cross-appellant (claimant) did not sustain a compensable injury and that he did not have disability. Appellant/cross-respondent (carrier) prevailed at the hearing, but appealed contending that the hearing officer erred in determining that the elevator doors "closed and caught claimant's right hand." Carrier also complained that "the hearing officer stated a period of disability due to the claimed injury." Carrier contends that "there was no disability from the work injury alleged by [claimant]." Claimant did not respond to carrier's appeal. Claimant appealed, contending that he did sustain an injury and that he had disability. Carrier did not respond to claimant's appeal.

DECISION

We affirm.

Carrier contends the hearing officer erred in determining that the elevator doors "closed and caught claimant's right hand." Claimant contends that the hearing officer erred in determining that he did not sustain a compensable injury from this incident. He asserts that he sustained a crush injury which caused a blister on his thumb to develop a more severe infection. The hearing officer determined that, although the elevator incident did happen, claimant did not sustain an injury from the event. We have reviewed the complained-of determination and conclude that the issue involved a fact question for the hearing officer. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determination is 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).

Regarding the disability-related determinations, the hearing officer determined that claimant did not have disability because he did not have a compensable injury. The determination is not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Carrier also complained that "the hearing officer stated a period of disability due to the claimed injury." Carrier contends that "there was no disability from the work injury alleged by [claimant]." Claimant did have an infection that required treatment, and he claimed this was due to a work-related injury. However, the hearing officer determined that, "because claimant did not establish a compensable injury, claimant did not have disability." The hearing officer did not find that claimant had disability for any period. We perceive no reversible error.

We affirm the hearing officer's decision and order.

Judy L. S. Barnes
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Robert W. Potts
Appeals Judge