

APPEAL NO. 010399

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A hearing was held on January 5, 2001. The hearing officer resolved the disputed issues by deciding that on October 12, 1998, (employer) was the appellant's (claimant) employer; that the claimant did not sustain a compensable injury on \_\_\_\_\_; that the claimant did not timely report an injury to the employer; that the claimant did not have good cause for failing to timely notify the employer of an injury; and that the claimant has not had disability. The claimant appealed the hearing officer's determinations on the issues of compensable injury, timely notice, and disability, and the respondent (carrier) responded.

DECISION

The hearing officer's decision and order are affirmed.

The claimant requests that the hearing officer's decision be reformed to find that he did sustain a compensable injury on \_\_\_\_\_; that he gave timely notice of injury; and that he had disability. There was conflicting evidence presented at the hearing on the issues of compensable injury and timely notice of injury. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). The hearing officer's determinations that the claimant did not sustain a compensable injury on \_\_\_\_\_, and that he failed without good cause to timely notify the employer of the claimed injury are supported by sufficient evidence and are not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Without a compensable injury, the claimant would not have disability as defined by Section 401.011(16).

The hearing officer's decision and order are affirmed.

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Robert W. Potts  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Philip F. O'Neill  
Appeals Judge