

APPEAL NO. 010410

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). On January 11, 2001, a hearing was held. The hearing officer resolved the disputed issues by deciding that the appellant (claimant) sustained an injury to her right knee in the course and scope of her employment and that the respondent (self-insured) is relieved of liability under Section 409.002 because of the claimant's failure to timely notify the self-insured under Section 409.001. The claimant appealed the hearing officer's determination on the issue of timely notice, asserting that she had good cause for not reporting her injury within 30 days, and the self-insured responded.

DECISION

The hearing officer's decision is affirmed.

It is undisputed on appeal that the claimant sustained an injury to her right knee in the course and scope of her employment with the self-insured on \_\_\_\_\_. The parties stipulated that the claimant did not report a work-related injury to the self-insured within 30 days of the date of the injury. Whether the claimant had good cause for waiting until July 25, 2000, to notify the self-insured of her claimed work-related injury was a question of fact for the hearing officer to determine from the conflicting evidence. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). The appealed findings, conclusion, and determination 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.

The hearing officer's decision and order are affirmed.

---

Robert W. Potts  
Appeals Judge

CONCUR:

---

Elaine M. Chaney  
Appeals Judge

---

Thomas A. Knapp  
Appeals Judge