

APPEAL NO. 010506

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 February 12, 2001. The hearing officer determined that: (1) appellant/cross-respondent (claimant) knew or should have known on \_\_\_\_\_, that her injury may be related to her employment; (2) claimant sustained an injury in the form of an occupational disease; and (3) respondent/cross-appellant (carrier) is relieved from liability pursuant to Section 409.002 because of the claimant's failure to timely notify the employer of her injury. The claimant appealed the hearing officer's determinations regarding the date of injury and timely reporting on sufficiency grounds. The carrier filed a cross-appeal challenging the determination that claimant sustained an injury at work.

DECISION

We affirm.

We have reviewed the complained-of determinations and conclude that the issues involved fact questions for the hearing officer. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determinations 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 (Tex. 1986).

We affirm the hearing officer's decision and order.

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Judy L. S. Barnes  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Robert E. Lang  
Appeals Panel  
Manager/Judge