

## APPEAL NO. 010794

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 March 28, 2001. With respect to the issues before him, the hearing officer determined that the appellant (claimant) did not sustain a compensable injury and did not have disability. On appeal, the claimant expresses disagreement with the hearing officer's decision. The respondent (carrier) filed a response alleging inadequacy of the claimant's appeal and failure to comply with Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 143.3 (Rule 143.3), and, in the alternative, urges affirmance.

### DECISION

Affirmed.

Procedurally, addressing the carrier's contention that the claimant did not clearly and concisely rebut the hearing officer's decision pursuant to Rule 143.3 (and Section 410.202(c)), we note that the claimant specifies that he disagrees with the decision because "I was injured on the job." While greater specificity is certainly helpful, we have held that no particular form of appeal is required and that an appeal, even though terse or inartfully worded, will be considered. See Texas Workers' Compensation Commission Appeal No. 91131, decided February 12, 1992; Texas Workers' Compensation Commission Appeal No. 92081, decided April 14, 1992; Texas Workers' Compensation Commission Appeal No. 92292, decided August 18, 1992; Texas Workers' Compensation Commission Appeal No. 92079, decided April 14, 1992; and Texas Workers' Compensation Commission Appeal No. 93040, decided March 1, 1993. Therefore, we will consider the claimant's appeal as expressing general disagreement with the hearing officer's decision that the claimant did not sustain a compensable injury or have disability.

A "compensable injury" is defined as "an injury that arises out of and in the course and scope of employment for which compensation is payable under this subtitle." Section 401.011(10). The claimant had the burden to prove he was injured in the course and scope of his employment. Reed v. Aetna Casualty & Surety Co., 535 S.W.2d 377 (Tex. Civ. App.-Beaumont 1976, writ ref'd n.r.e.). In the present case, the hearing officer determined that the claimant did not sustain a compensable injury and, consequently, did not have disability. The hearing officer is the trier of fact and is the sole judge of the relevance and materiality of the evidence and of the weight and credibility to be given to the evidence. Section 410.165(a). Where there are conflicts in the evidence, the hearing officer resolves the conflicts and determines what facts the evidence has established. Even if different inferences could be drawn, the Appeals Panel will not disturb the challenged factual findings of a hearing officer unless they are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust and we do not find them to be so in this case. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

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Gary L. Kilgore  
Appeals Judge

CONCUR:

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Michael B. McShane  
Appeals Judge

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Philip F. O'Neill  
Appeals Judge