

APPEAL NO. 010813
FILED JUNE 1, 2001

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. The hearing officer determined that respondent (claimant) sustained a compensable left foot injury on _____, and that she had disability from June 17, 2000, through the date of the hearing. Appellant (carrier) appealed these determinations on sufficiency grounds. Claimant responded that the Appeals Panel should affirm the hearing officer's decision and order, although she complains that the hearing officer did not add a requested issue on carrier waiver.

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, 176 (Tex. 1986). Regarding the failure to add an issue on carrier waiver, we note that claimant complained of this in a response that was not timely as an appeal. Therefore, we will not consider this contention. In any case, we note that claimant prevailed at the hearing and prayed for affirmance of the hearing officer's decision.

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