

APPEAL NO. 010943
FILED JUNE 18, 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 (CCH) was held on March 21, 2001. The hearing resolved the disputed issues by deciding that the appellant (claimant) did not sustain a compensable injury in the form of an occupational disease and that the claimant does not have disability. The claimant appealed and the respondent (carrier) responded.

DECISION

The hearing officer's decision is affirmed.

The claimant claims that various medical conditions having to do with her feet, ankles, and knees were caused by walking and standing on the carpeted floor of the sales department where she worked. The parties presented conflicting medical evidence regarding the causes of the claimant's medical conditions and the hearing officer apparently found the carrier's medical evidence more persuasive than the claimant's. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). The hearing officer's decision is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. We cannot conclude that the hearing officer erred as a matter of law in determining adversely to the claimant on her claim. See Texas Workers' Compensation Commission Appeal No. 92713, decided February 8, 1993, and Texas Workers' Compensation Commission Appeal No. 941018, decided September 12, 1994 (regarding claims of repetitive trauma injuries from walking and standing at work and determinations of ordinary diseases of life); see *also* Texas Workers' Compensation Commission Appeal No. 980631, decided May 14, 1998, and Texas Workers' Compensation Commission Appeal No. 001590, decided August 24, 2000 (regarding idiopathic injuries occurring during walking). Without a compensable injury, the claimant would not have disability as defined by Section 401.011(16).

The hearing officer did not err in denying the claimant's request for continuance. The hearing officer determined that there was not good cause for the continuance and that the request made by the claimant's attorney was not made no later than five days before the CCH. See Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 142.10 (Rule 142.10). We do not find that the hearing officer abused his discretion in denying the request for continuance.

The claimant has not shown that the hearing officer committed reversible error in excluding Claimant's Exhibit No. 8 from evidence based on his finding of an untimely exchange of that exhibit. The claimant has not shown that the hearing officer's ruling was in error or that error, if any, was reasonably calculated to cause and probably did cause an improper decision.

The hearing officer's decision and order are affirmed.

Robert W. Potts
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Philip F. O'Neill
Appeals Judge