

APPEAL NO. 010966  
FILED JUNE 13, 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 April 10, 2001. With regard to the disputed issues, the hearing officer determined that: the respondent (claimant) sustained a compensable injury in the form of an occupational disease on \_\_\_\_\_; that the claimant failed to timely report his injury but had good cause for failing to do so; that the claimant is not barred from pursuing Texas workers' compensation benefits because of an election to receive benefits under a (group) health insurance policy; and that the claimant had disability from June 22, 2000, through the date of the CCH. The appellant (carrier) appeals on the basis that the findings are against the great weight and preponderance of the evidence. The carrier asserted that it met its burden to show a knowing election of remedies. The file did not contain a response from the claimant.

DECISION

Affirmed.

There was sufficient evidence in the case to support each of the hearing officer's determinations; therefore, we then look to see if these determinations are against the great weight and preponderance of the evidence. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). We do not so find.

Accordingly, the hearing officer's decision and order are affirmed.

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Philip F. O'Neill  
Appeals Judge