

APPEAL NO. 010991
FILED JUNE 20, 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 April 10, 2001. The hearing officer resolved the disputed issues by deciding that the appellant (claimant) did not sustain a compensable injury in the form of an occupational disease; that the date of injury under Section 408.007 is _____; that the respondent (carrier) is relieved of liability under Section 409.002 because of the claimant's failure to timely notify his employer of his claimed injury under Section 409.001; that the claimant did not waive the right to pursue workers' compensation benefits because the claimant did not make a binding election of remedies; and that the claimant has not had disability because he did not sustain a compensable injury. The claimant appealed the hearing officer's determinations on the issues of compensable injury, date of injury, timely notice to the employer, and disability; and the carrier responded.

DECISION

The hearing officer's decision is affirmed.

There was conflicting evidence presented to the hearing officer. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the trier of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. The hearing officer's determinations on the disputed issues are supported by sufficient evidence and are not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. We decline to remand the case for a finding on good cause for late notice of injury to the employer because, even if the hearing officer were to find in favor of the claimant on good cause for late reporting, the claimed injury would not be compensable in light of our affirmance of the hearing officer's finding that the claimant did not sustain the bilateral carpal tunnel syndrome in the course and scope of his employment.

The hearing officer's decision and order are affirmed.

Robert W. Potts
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Thomas A. Knapp
Appeals Judge