

APPEAL NO. 011000
FILED JUNE 22, 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 19, 2001. The hearing officer resolved the disputed issues by deciding that the respondent (claimant) sustained a compensable injury in the form of an occupational disease; that the date of injury is _____; that the claimant had disability from October 2, 2000, through January 2, 2001; and that the carrier is not relieved of liability under Section 409.002 because the claimant timely notified her employer of her injury under Section 409.001. The appellant (carrier) appealed and the claimant responded.

DECISION

The hearing officer's decision is affirmed.

The hearing officer did not err in determining that the claimant sustained a compensable injury in the form of an occupational disease; that the date of injury under Section 408.007 is _____; that the claimant had disability from October 2, 2000, through January 2, 2001; and that the claimant gave timely notice of her injury to her employer. 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 fact have been established from the evidence presented. The hearing officer's determinations are supported by the claimant's testimony and the reports of the claimant's treating doctor. 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. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

Robert W. Potts
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Philip F. O'Neill

Appeals Judge