

APPEAL NO. 011050  
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 12, 2001, with the record closed on April 17, 2001. The hearing officer determined that appellant (claimant) did not sustain a compensable injury; that claimant did not have disability; that the date of the alleged injury is "\_\_\_\_\_"; and that claimant's employer had actual knowledge of the claimed injury within 30 days. Claimant appealed these determinations on sufficiency grounds. Respondent (carrier) responded that the Appeals Panel should affirm the hearing officer's decision and order.

DECISION

We affirm as reformed.

We have reviewed the complained-of determinations regarding injury and disability 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).

Claimant complained that the hearing officer determined that the date of the claimed injury is \_\_\_\_\_. We note that claimant testified that her date of injury was \_\_\_\_\_.<sup>1</sup> The use of the date "\_\_\_\_\_" appears to be an inadvertent typographical error, which does not affect the outcome of the case. We reform Findings of Fact Nos. 4, 5, and 7 and Conclusions of Law Nos. 3 and 5 to substitute "\_\_\_\_\_" for the date "\_\_\_\_\_."

Claimant contends the hearing officer erred in determining that she did not timely report her claimed injury. Claimant's employer said he first found out claimant was claiming a work related injury in early November when a pharmacy employee called for approval for medication and told him about a claimed arm injury. Claimant said she had reported her claimed injury on October 25, 2000. We first note that claimant prevailed regarding the timely reporting issue and carrier did not appeal the determination that the employer "acquired actual knowledge of the alleged injury . . . on November 16, 2000." In any case, whether claimant timely reported the claimed injury was a fact issue and the hearing officer determined what facts were established. We perceive no reversible error.

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<sup>1</sup>Claimant appeared to claim both a specific injury and an occupational disease repetitive trauma injury.

As reformed, we affirm the hearing officer's decision and order.

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Judy L. S. Barnes  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Robert W. Potts  
Appeals Judge