

APPEAL NO. 011190
FILED JUNE 28, 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 May 8, 2001. The hearing officer determined that appellant (claimant) sustained an occupational disease injury with a date of injury of _____, but that she did not timely report her injury. Claimant appealed the determination regarding timely reporting, contending that she had good cause to delay reporting her injury because she trivialized her injury. Respondent (carrier) responded that the Appeals Panel should affirm the hearing officer's decision and order.

DECISION

We affirm.

We have reviewed the complained-of determination and conclude that the issue involved a fact question for the hearing officer. The hearing officer reviewed the record and decided what facts were established. Given claimant's testimony that she knew she had a serious injury on _____, the hearing officer could have rejected claimant's assertions regarding trivialization. We conclude that the hearing officer's determination is 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).

We affirm the hearing officer's decision and order.

Judy L. S. Barnes
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Gary L. Kilgore
Appeals Judge