

APPEAL NO. 011281
FILED JULY 19, 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 21, 2001. The hearing officer resolved the disputed issues by deciding that the respondent (claimant) sustained a compensable low back injury on _____, and that the claimant gave timely notice of his injury to his employer. The respondent (carrier) appealed and the claimant responded.

DECISION

The hearing officer's decision and order are affirmed.

Section 401.011(10) defines the term "compensable injury," and the 30-day time period for providing notice of injury to the employer is set forth in Section 409.001(a). The claimant testified that he injured his back while working for the employer on _____, when he picked up a heavy door, and that on the same day he informed his supervisor that he was injured at work. Evidence contrary to the claimant's testimony was presented by the carrier. There was conflicting evidence presented on the disputed issues. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As a general rule, in workers' compensation cases, the issue of injury may be established by the testimony of the claimant alone. Houston General Insurance Company v. Pegues, 514 S.W.2d 492 (Tex. Civ. App.-Texarkana 1974, writ ref'd n.r.e.). The hearing officer indicates in his decision that he found the claimant's testimony to be credible and resolved the conflicts in the evidence in the claimant's favor. The hearing officer's decision on the disputed issues 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.

The hearing officer's decision and order are affirmed.

Robert W. Potts
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Gary L. Kilgore
Appeals Judge