

APPEAL NO. 011391
FILED JULY 31, 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 June 8, 2001. With respect to the issues before him, the hearing officer determined that the appellant/cross-respondent (claimant) did not sustain a compensable injury in the form of an occupational disease on _____, or any other date, but that she did timely report her alleged injury to her employer on January 16, 2001. Claimant appeals on sufficiency grounds and seeks reversal of the decision that she did not sustain a compensable injury. Respondent/cross-appellant (carrier) responds and urges that the Appeals Panel affirm the decision and order of the hearing officer with respect to the conclusion that the claimant suffered no compensable injury. Carrier filed a cross-appeal seeking reversal of the determination that the claimant timely reported the alleged injury. Claimant did not file a response to the request for review.

DECISION

We affirm.

We have reviewed the determination that claimant did not sustain a compensable injury 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. 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).

Carrier appealed the determination that claimant timely reported her claimed injury. We first note that carrier prevailed at the hearing. In any case, we conclude that the hearing officer's determination regarding timely notice is not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust.

We affirm the hearing officer's decision and order.

Judy L. S. Barnes
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Robert W. Potts
Appeals Judge