

APPEAL NO. 011418
FILED AUGUST 15, 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 (CCH) was held on May 30, 2001. The hearing officer resolved the disputed issues by deciding that the respondent (claimant) sustained a compensable keratitis injury in both eyes on _____, and that the claimant has not had disability due to the compensable injury of _____. The appellant (carrier) appealed the hearing officer's decision on the issue of compensable injury. No response was received from the claimant. There is no appeal of the decision on the disability issue.

DECISION

The hearing officer's decision is affirmed.

The claimant testified that on _____, she was performing her job duties when a pesticide was accidentally sprayed in her eyes. The material safety data sheet for the pesticide reflects that it is an eye irritant and that medical attention should be obtained if it gets in the eyes. After the exposure, the claimant underwent an eye examination, the purpose of which was for a chemical in the eyes, and she was diagnosed as having keratitis of the eyes and was advised by the doctor to consult with a poison control center. Conflicting evidence was presented at the CCH with regard to the issue of compensable injury. The hearing officer resolved the conflicts and found that as a result of being sprayed in the eyes with the pesticide, the claimant suffered an injury to both eyes in the nature of keratitis. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established from the evidence. 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.

The hearing officer's decision and order are affirmed.

Robert W. Potts
Appeals Judge

CONCUR:

Michael B. McShane
Appeals Judge

Bob Lang
Appeals Panel
Manager/Judge