

APPEAL NO. 011492
FILED AUGUST 7, 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 June 6, 2001. With respect to the issues before her, the hearing officer determined that the respondent (claimant) sustained a compensable injury on _____, with disability beginning on February 15, 2001, and continuing through the date of the CCH, and that the claimant timely reported her injury to the employer pursuant to Section 409.002. The appellant (carrier) appeals, contending that the hearing officer's determinations are against the great weight and preponderance of the evidence. There is no response from the claimant contained in the file.

DECISION

Finding sufficient evidence to support the decision of the hearing officer and no reversible error in the record, we affirm the decision and order of the hearing officer.

The claimant testified that on _____, she injured her left wrist with "repetitive movements" while stocking merchandise for her employer. She testified that she told her supervisor that same day and that she was given a wrist brace to wear. Two days later she was given a different wrist brace, which had more support, by her employer. The claimant testified that she continued working and missed no time from work as a result. The claimant further testified that on _____, a coworker made her lose her balance while she was on a ladder. She alleged that, as she tried to catch herself, she injured her left wrist and has been unable to work as a result since February 14, 2001. A medical report of February 13, 2001, diagnoses a wrist sprain and ganglion cyst.

It was the province of the hearing officer to resolve any conflicting evidence. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). Section 410.165(a) provides that the contested case hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as of the weight and credibility that is to be given the evidence. The question under our standard of review was whether the hearing officer's determinations were 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). Applying this standard, we find sufficient evidence to support the hearing officer's decision.

Further, in regard to timely reporting his injury to his employer, the claimant testified that she told her employer on _____, that she had been injured, and that she again mentioned it to her employer on February 13 when she was sent to the company doctor. Whether and when the claimant gave her employer notice of her injury is also a question of fact for the hearing officer to decide. Texas Workers' Compensation Commission Appeal No. 94114, decided March 3, 1994.

The decision and order of the hearing officer are affirmed.

Gary L. Kilgore
Appeals Judge

CONCUR:

Robert E. Lang
Appeals Panel
Manager/Judge

Robert W. Potts
Appeals Judge