

APPEAL NO. 011567
FILED AUGUST 20, 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 15, 2001. The hearing officer determined that appellant (claimant) did not sustain a compensable injury and that he did not have disability. Claimant appealed these determinations on sufficiency grounds. 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 determinations and conclude that the issues involved fact questions for the hearing officer. The hearing officer reviewed the record and decided what facts were established. While another fact finder might have considered the same facts and reached a different result, we conclude that the hearing officer's determinations are 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).

Claimant contends that he did not have proper representation at the hearing. The record reflects that at the CCH the hearing officer asked claimant about his concerns in this regard and whether claimant would like to get an attorney. Claimant replied that he had met with the ombudsman, that he understood the difference between an ombudsman and an attorney, that he would like to proceed that day, and that he was ready to go ahead without legal representation. Therefore, claimant has not preserved any error in this regard. If claimant had chosen to do so, he could have objected and given the hearing officer the opportunity to reconvene the hearing at a later date, after claimant obtained legal counsel. Because claimant did not do so, we perceive no error.

Claimant contends that the translator at the hearing was not able to translate properly. However, claimant failed to raise this issue at the hearing so that the hearing officer could remedy any problem. A problem with the translation was not apparent from the audiotape of the hearing. Claimant waived any error in this regard.

We affirm the hearing officer's decision and order.

Judy L. S. Barnes
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Michael B. McShane
Appeals Judge