

APPEAL NO. 011615
FILED AUGUST 16, 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 18, 2001. The hearing officer determined that appellant/cross-respondent (claimant) sustained a compensable injury on _____; that she timely reported her injury; and that she had disability from September 19, 2000, through December 6, 2000. Claimant appealed the determination that disability ended on December 6, 2000. Respondent/cross-appellant responded that, to the extent that claimant had any disability, the hearing officer's limitation of disability was not error. Carrier filed a cross-appeal challenging the injury and timely notice determinations on sufficiency grounds. Carrier also complains of the granting of requests for subpoenas.

DECISION

We affirm.

We have reviewed the complained-of determinations regarding injury, disability, and timely notice in the appeal and cross-appeal, and conclude that the issues involved fact questions for the hearing officer. The hearing officer reviewed the record and decided what facts were established. 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). Regarding whether the hearing officer improperly stated that claimant had a strain injury, we are unaware of any authority that limits a hearing officer from defining the injury where, as here, there is not an extent-of-injury issue before him and the claimant does not cite to any such authority. See Texas Workers' Compensation Commission Appeal No. 000838, decided June 5, 2000. Regarding the granting of the requests for subpoenas, we perceive no abuse of discretion and no error. Additionally, carrier has not shown that any possible error would constitute reversible error.

We affirm the hearing officer's decision and order.

Judy L. S. Barnes
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Thomas A. Knapp
Appeals Judge