

APPEAL NO. 011798  
FILED SEPTEMBER 10, 2001

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). Following a contested case hearing held on June 11, 2001, the hearing officer determined that on \_\_\_\_\_, the appellant (claimant) sustained an injury in the course and scope of his employment; that the claimant failed to timely report the injury and did not have good cause for the untimely reporting; and that he did not have disability from December 1, 2000, to the date of the hearing. The claimant has appealed the findings that he did not report a work-related injury to the employer on or before November 15, 2000, and that he did not have good cause for such failure, as well as the consequent conclusions that the respondent (carrier) is relieved from liability for the claimant's injury and that the claimant did not have disability. The carrier has responded, urging the sufficiency of the evidence to support the challenged determinations.

DECISION

Affirmed.

The hearing officer did not err in making the challenged determinations. The evidence was in substantial conflict as to whether the claimant reported his job-related injury, sustained while operating a tractor on \_\_\_\_\_, to the employer on November 14, 2000, as he claimed, or on December 1, 2000, as the carrier's evidence reflects. The claimant asserted that his notice of injury to the employer was timely provided and not that he had good cause for untimely notice. Rather, he contended that he timely delivered to the employer's office manager a document from his treating doctor which he was given after being examined by the doctor. He was unable to state the date, however. The carrier's evidence indicated that the document was a Texas Workers' Compensation Commission Work Status Report (TWCC-73) signed by the doctor on December 1, 2000. There was also substantial conflict as to whether the claimant provided oral notice of the injury to his supervisor. The hearing officer, who is the sole judge of the weight and credibility of the evidence, resolved the conflicts and inconsistencies in the evidence on the timely notice issue in favor of the carrier. Having reviewed the evidence, we cannot say that the challenged determinations of the hearing officer are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951).

The decision and order of the hearing officer are affirmed.

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Philip F. O'Neill  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Robert E. Lang  
Appeals Panel  
Manager/Judge