

APPEAL NO. 011828
FILED SEPTEMBER 17, 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 July 19, 2001. The hearing officer resolved the disputed issues by deciding that the appellant (claimant) was not injured in the course and scope of her employment and that she has not had disability. The respondent (self-insured) responded.

DECISION

The hearing officer's decision is affirmed.

The claimant has the burden to prove that she was injured in the course and scope of her employment. Johnson v. Employers Reinsurance Corporation, 351 S.W.2d 936 (Tex. Civ. App.-Texarkana 1961, no writ). Course and scope of employment is defined in Section 401.011(12). Conflicting evidence was presented to the hearing officer on the issue of whether the claimant was in the course and scope of her employment when she fell. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the trier of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. The hearing officer's determination that the claimant did not sustain an injury in the course and scope of her employment 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.

Section 401.011(16) defines "disability" as "the inability because of a compensable injury to obtain and retain employment at wages equivalent to the preinjury wage." The hearing officer did not err in determining that the claimant has not had disability because, without a compensable injury, the claimant would not have disability as defined by Section 401.011(16).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **SCHOOL DISTRICT** and the name and address of its registered agent for service of process is

**SUPERINTENDENT
ADDRESS
CITY, STATE ZIP.**

Robert W. Potts
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Michael B. McShane
Appeals Judge