

APPEAL NO. 012086  
FILED OCTOBER 15, 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 August 1, 2001. The hearing officer determined that appellant (claimant) did not sustain an injury at work; that he did not have disability; that respondent (carrier) is relieved of liability because claimant did not timely report his claimed injury; and that carrier did not waive the right to contest compensability. Claimant appealed the determinations regarding injury, disability, and timely notice on sufficiency grounds. Claimant also challenges the determination that there is insufficient evidence to determine when carrier received written notice of the claimed injury and there is insufficient evidence to determine when carrier disputed the claimed injury. 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 regarding injury, disability, and timely notice 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). Claimant also challenges the determination that there is insufficient evidence to determine when: (1) carrier received written notice of the claimed injury and (2) carrier disputed the claimed injury. There is nothing in the record which shows that carrier received written notice of the claimed injury with facts showing compensability that would start the 60 days. There is also no Payment of Compensation or Notice of Refused/Disputed Claim (TWCC-21) in the record showing that carrier disputed. Therefore, we perceive no error in this determination. We conclude that the hearing officer's determination in this regard is not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust.

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **ZURICH AMERICAN INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**GEORGE MICHAEL JONES  
9330 LBJ FREEWAY, SUITE 1200  
DALLAS, TEXAS 75243.**

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Judy L. S. Barnes  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Robert W. Potts  
Appeals Judge