

APPEAL NO. 012169  
FILED OCTOBER 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 August 24, 2001. He determined that the appellant (claimant) sustained an injury in the course and scope of his employment on \_\_\_\_\_; that as a result of the injury, the claimant was unable to obtain and retain employment at wages equivalent to his preinjury wage from January 2, 2001, through the date of the CCH; and that respondent (carrier) is relieved from liability because the claimant did not timely report the injury to the employer. As a result of the finding that the claimant did not timely report the injury to his employer, the hearing officer concluded that the claimant did not sustain a compensable injury and did not have disability. On appeal, the claimant expresses disagreement with the notice finding and its resulting effect on the compensability and disability issues. The carrier urges affirmance.

DECISION

We affirm.

Section 409.001 requires that an employee, or a person acting on the employee's behalf, shall notify the employer of an injury not later than the 30th day after the date on which the injury occurs. Failure to do so, absent a showing of good cause or actual knowledge of the injury by the employer, relieves the carrier and employer of liability for the payment of benefits for the injury. Section 409.002. Whether, and, if so, when, notice is given is a question of fact for the hearing officer to decide. Texas Workers' Compensation Commission Appeal No. 93761, decided October 4, 1993. The evidence reflects that shortly after the claimant fell on \_\_\_\_\_, he notified his supervisor of the incident, but did not report that he was injured. We are satisfied that the evidence sufficiently supports the determination that the claimant did not report the injury to his employer until January 2, 2001, and, therefore, the carrier is relieved from liability under Section 409.002. Given that we affirm the notice finding, we perceive no error in the hearing officer's conclusions that the claimant did not sustain a compensable injury and did not have disability.

We affirm the decision and order of the hearing officer.

The true corporate name of the carrier is **TRAVELERS INDEMNITY COMPANY OF CONNECTICUT**, and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM  
350 NORTH ST. PAUL ST.  
DALLAS, TEXAS 75201**

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Gary L. Kilgore  
Appeals Judge

CONCUR:

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Susan M. Kelley  
Appeals Judge

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Philip F. O'Neill  
Appeals Judge