

APPEAL NO. 020255  
FILED MARCH 14, 2002

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 December 19, 2001, and January 7, 2002. The hearing officer resolved the disputed issues by deciding that the appellant/cross-respondent (claimant) did not sustain a compensable injury on either \_\_\_\_\_ or \_\_\_\_\_; that the claimant has not had disability; and that the claimant timely notified his employer of his alleged injury. The claimant appealed the hearing officer's determinations that he did not sustain a compensable injury and that he has not had disability. The respondent/cross-appellant (carrier) appealed the hearing officer's determination that the claimant timely notified his employer of his alleged injury.

DECISION

The hearing officer's decision is affirmed.

The claimant had the burden to prove that he was injured in the course and scope of his employment. Conflicting evidence was presented at the CCH. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). The hearing officer found that the claimant did not sustain damage or harm to the physical structure of his body in an incident at work on \_\_\_\_\_ or \_\_\_\_\_, and concluded that the claimant did not sustain a compensable injury on either \_\_\_\_\_ or \_\_\_\_\_. We conclude that the hearing officer's decision that the claimant did not sustain a compensable injury 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. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986). Without a compensable injury, the claimant would not have disability as defined by Section 401.011(16).

Conflicting evidence was also presented on the notice issue and the hearing officer resolved the conflicts in the evidence by deciding that the claimant timely reported his alleged injury to his employer. The hearing officer's decision on the notice issue 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. Cain, supra.

The hearing officer's decision and order are affirmed.

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

**CORPORATION SERVICE COMPANY  
800 BRAZOS  
AUSTIN, TEXAS 78701.**

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Robert W. Potts  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Robert E. Lang  
Appeals Panel  
Manager/Judge