

APPEAL NO. 020316
FILED MARCH 27, 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 was held on January 23, 2002. The hearing officer resolved the disputed issues before her by determining that the appellant (claimant) did not sustain a compensable injury on _____; that the claimed injury of _____, does not include an injury to the left knee; and that the claimant did not have disability. The appellant (claimant) appealed on sufficiency grounds. The respondent (carrier) responded, urging affirmance.

DECISION

We affirm.

The hearing officer did not err in determining that the claimant did not sustain a compensable injury on _____. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). Conflicting evidence was presented on whether or not the claimant's work environment caused the blisters he developed on his feet. The claimant testified that he developed the blisters on his feet as a direct result of standing on hot pipes. The carrier presented evidence that the claimant had a case of athlete's foot, and that his work environment did not cause the condition. The hearing officer resolved the conflicts and inconsistencies in the evidence against the claimant and she was acting within her role as fact finder in determining that the claimant did not meet his burden of proof to establish a causal relationship between the claimed injury and his employment. The hearing officer's decision is supported by sufficient evidence and it is 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); Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986).

A finding of the existence of a compensable injury is a prerequisite to a finding of extent of injury and disability. Because we have affirmed the hearing officer's determination that there was no compensable injury, so must we also affirm her determination that the claimed injury does not extend to a compensable left knee injury and that the claimant did not have disability.

The hearing officer's decision and order are affirmed.

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

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Gary L. Kilgore
Appeals Judge

CONCUR:

Chris Cowen
Appeals Judge

Robert W. Potts
Appeals Judge