

APPEAL NO. 020357
FILED MARCH 19, 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 24, 2002. The hearing officer determined that the appellant (claimant) sustained a compensable injury on _____ (all dates are 2001 unless otherwise noted), but that he did not have disability. The hearing officer does not identify the injury but his determination on that issue has not been appealed and has therefore become final pursuant to Section 410.169.

The claimant appeals the no disability finding on a sufficiency of the evidence basis, emphasizing medical reports that purport to place him in an off work status. The respondent (carrier) responds, urging affirmance.

DECISION

Affirmed.

The claimant testified that he sustained a back and stomach injury on _____ lifting a railroad tie. The claimant admittedly did not immediately report his injury, either because he believed he would be fired or in order to receive a safety bonus, and continued working his regular job. The evidence is in conflict when the claimant did report the injury. The hearing officer commented that "between two and three weeks following the incident" the claimant was terminated for his lack of attention on a dangerous job site. The hearing officer further commented that the claimant "left the job-site [after he was terminated] but returned a few minutes later to report the injury." The hearing officer obviously believed that the claimant's inability to obtain and retain employment at his preinjury wage (see the definition of disability in Section 401.011(16)) was due to his termination, rather than any injury, because he had continued to perform his regular duties for some two or three weeks after his injury and did not seek medical treatment for more than a month after his injury and two weeks after his termination.

We have reviewed the complained-of determinations 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).

The hearing officer's decision and order are affirmed.

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

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

Thomas A. Knapp
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Terri Kay Oliver
Appeals Judge