

APPEAL NO. 020361
FILED MARCH 21, 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 16, 2002. The hearing officer determined that the appellant (claimant) did not sustain a compensable injury on _____, and did not have disability. The claimant has appealed, urging that the hearing officer's determinations are against the great weight and preponderance of the evidence. The respondent (carrier) filed a response urging affirmance.

DECISION

Affirmed.

The claimant testified that during her lunch break on _____, she injured her back when she slipped and almost fell in a puddle of water in the ladies' restroom. The claimant stated that she broke her fall by grabbing onto the sink and that in the process jerked her back; that she went to the hospital where she was diagnosed with a strain/sprain to her back; and that she was released to work on October 2, 2001, without restrictions but did not return to work. She further stated that she changed treating doctors and that she was laid off from work. The carrier contends that the claimant staged the incident because she was aware of a possible layoff from her employment and she wanted to compensate for anticipated lost wages.

The hearing officer did not err in determining that the claimant did not sustain a compensable injury on _____. An employee has the burden of proving, by a preponderance of the evidence, that he or she sustained a compensable injury. Texas Workers' Compensation Commission Appeal No. 94248, decided April 12, 1994. A "compensable injury" is "an injury that arises out of and in the course and scope of employment" Section 401.011(10). The hearing officer was not persuaded by the claimant's testimony or the medical records in evidence that she sustained a compensable injury in the course and scope of employment on _____. We are satisfied that the hearing officer's injury determination 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). The hearing officer could believe that while there may have been a slip and near fall incident in the restroom, the claimant did not sustain any damage or harm to the physical structure of her body in the incident. See Section 401.011(26).

Since we are affirming the hearing officer's decision that the claimant did not have a compensable injury, the claimant cannot, by definition in Section 401.011(16), have disability. Texas Workers' Compensation Commission Appeal No. 92640, decided January 14, 1993.

The decision and order of the hearing officer 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

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

Philip F. O'Neill
Appeals Judge

CONCUR:

Michael B. McShane
Appeals Judge

Edward Vilano
Appeals Judge