

APPEAL NO. 020911
FILED MAY 28, 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 March 19, 2002. The hearing officer resolved the disputed issue by deciding that the appellant (claimant) did not sustain a compensable injury on _____, and did not have disability as a result of an incident on that date. The claimant appealed the hearing officer's determinations on sufficiency of the evidence grounds, arguing that he had injured his low back and that he had resultant disability from August 22 through September 12, 2001. The respondent (carrier) responded, requesting affirmance and contending that the hearing officer's determinations were supported by the evidence.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant did not sustain a compensable injury on _____. The claimant testified that he injured his low back while lifting a 45-pound object at work. The claimant further testified that his pain subsided when he stood up and did not recur until the end of his shift the following day. The claimant bore the burden of proof on the issue of injury. The hearing officer is the sole judge of the weight and credibility to be given to the evidence. Section 410.165(a). Upon our review of the record, we conclude that the hearing officer's determination that the claimant did not meet his burden of proof is supported by the evidence, and that his decision 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); Texas Workers' Compensation Commission Appeal No. 001360, decided July 27, 2000.

As we affirm the hearing officer's injury determination, we likewise affirm his determination that the claimant did not have disability. Without a compensable injury, there can be, by definition, no disability. See Section 401.011(16).

The hearing officer's decision and order are affirmed.

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

**CT CORPORATION SYSTEMS
350 NORTH ST. PAUL, SUITE 2900
DALLAS, TEXAS 75201.**

Gary L. Kilgore
Appeals Judge

CONCUR:

Robert E. Lang
Appeals Panel
Manager/Judge

Michael B. McShane
Appeals Judge