

APPEAL NO. 021512  
FILED JULY 17, 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 May 22, 2002. The hearing officer determined that the appellant (claimant) did not sustain a compensable injury on \_\_\_\_\_; that he did not timely report an injury to his employer; that he did not have good cause for his failure to timely notify the employer of the occurrence of a work-related injury; and that he does not have disability. The claimant appealed, arguing that the hearing officer erred in determining the disputed issues. The respondent (carrier) responded, contending that the decision was supported by sufficient evidence.

DECISION

Affirmed.

The claimant had the burden to prove that he timely reported his injury to his employer. Travelers Insurance Company v. Miller, 390 S.W.2d 284 (Tex. Civ. App.-El Paso 1965, no writ). A claimant who fails to give timely notice of injury to his employer has the burden to show good cause for such failure. Aetna Casualty & Surety Company v. Brown, 463 S.W.2d 473 (Tex. Civ. App.-Fort Worth 1971, writ ref'd n.r.e.). Conflicting evidence was presented at the CCH on the notice issue. The claimant admitted that he did not report the injury to the employer within 30 days of the date of injury, but he claimed that he had good cause for failing to report the injury. The hearing officer's determination that the claimant did not have good cause for failing to report his injury within 30 days 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). Consequently, the hearing officer did not err in determining that the carrier is relieved of liability under Section 409.002. The hearing officer also did not err in determining that the claimant did not have a compensable injury as defined by Section 401.011(10) and, without a compensable injury, the claimant would not have disability as defined by Section 401.011(16).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**ROBERT PARNELL  
8144 WALNUT HILL LANE, SUITE 1600  
DALLAS, TEXAS 75231-4813.**

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Michael B. McShane  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Thomas A. Knapp  
Appeals Judge