

APPEAL NO. 023084
FILED JANUARY 23, 2003

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 November 19, 2002. The hearing officer resolved the disputed issue by deciding that the appellant (self-insured) is not relieved of liability under Section 409.002 because the respondent (claimant) timely reported her injury to the self-insured. The self-insured appealed. No response was received from the claimant.

DECISION

The hearing officer's decision is affirmed.

The claimant testified that she sustained an injury while performing her work for the self-insured on _____. The disputed issue was whether the self-insured is relieved of liability under Section 409.002 because of the claimant's failure to notify her employer of her injury under Section 409.001. Section 409.001(a) provides that for an injury other than an occupational disease, an employee or a person acting on the employee's behalf shall notify the employer of the employee of an injury not later than the 30th day after the date on which the injury occurs. Conflicting evidence was presented on the disputed issue. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. The hearing officer found the claimant's testimony about timely reporting her work-related injury to her supervisor to be credible. We conclude that the hearing officer's decision is supported by sufficient evidence and that it is not so against the great weight and preponderance of the evidence to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**SUPERINTENDENT
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Robert W. Potts
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Chris Cowan
Appeals Judge