

APPEAL NO. 030111  
FILED FEBRUARY 20, 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 (CCH) was held on January 7, 2003. With respect to the disputed issues before him, the hearing officer determined that: 1) the appellant (claimant) did not sustain a compensable injury in the form of an occupational disease on \_\_\_\_\_, but did sustain a specific event injury in the course and scope of her employment on that date; 2) the respondent (carrier) is relieved from liability under Section 409.002 because the claimant did not timely notify her employer of her specific event injury pursuant to Section 409.001; and, 3) the claimant did not have disability resulting from her \_\_\_\_\_, injury. The claimant appeals the determinations on sufficiency of the evidence grounds, and argues that the hearing officer used the incorrect legal standard for reporting a specific event injury. The carrier responds, noting the hearing officer's correct statement of the standard for reporting a specific incident injury to one's employer, and urging affirmance.

DECISION

Affirmed.

At the CCH, the claimant appears to have been claiming either an occupational disease or, in the alternative, a specific event injury on \_\_\_\_\_. The hearing officer did not err in determining that the claimant did not sustain a compensable injury in the form of an occupational disease on \_\_\_\_\_, but did sustain an injury in the course and scope of her employment on that date. Under the 1989 Act, the hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). The record supports the hearing officer's determination in this regard and the hearing officer was acting within his province as the fact finder in resolving the conflicting evidence and nothing in our review of the record demonstrates that the hearing officer's determination is so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Pool v. Ford Motor Co., 715 S.W.2d 629, 635 (Tex. 1986); Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

In addition, the hearing officer did not err in determining that the carrier was relieved of liability under Section 409.002 because of the claimant's failure to timely notify his employer of her \_\_\_\_\_, specific event injury pursuant to Section 409.001. The record supports the hearing officer's finding that the claimant did not report her injury to her employer until July 17, 2002, more than six months after her date of injury.<sup>1</sup> Accordingly, no sound basis exists for us to reverse the hearing officer's determination in that regard. Cain, *supra*.

---

<sup>1</sup> The hearing officer's statement of the legal standard for reporting a specific incident injury was first misstated, then properly stated in his Statement of the Evidence on page 3. Under either calculation or theory, according to the hearing officer, the claimant failed to timely notify her employer, and we can affirm on those grounds.

We likewise affirm the hearing officer's determination that the claimant did not have disability as a result of an injury allegedly sustained on \_\_\_\_\_. Because the claimant did not have a compensable injury, she could not have disability as a matter of law. Section 401.011(16).

The hearing officer's decision and order is affirmed.

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

**BEN SCHROEDER  
ZURICH NORTH AMERICA  
12222 MERIT DRIVE, SUITE 700  
DALLAS, TEXAS 75251.**

---

Terri Kay Oliver  
Appeals Judge

CONCUR:

---

Robert W. Potts  
Appeals Judge

---

Edward Vilano  
Appeals Judge