

APPEAL NO. 030332  
FILED MARCH 17, 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 December 12, 2002. The hearing officer determined that the appellant (claimant) sustained a work-related injury on \_\_\_\_\_, but that, because the claimant did not give timely notice of the injury to his employer of the injury or have good cause for his failure to do so after June 25, 2002, the injury is not compensable and the claimant did not have disability. The claimant appeals the determination relating to timely notice. The respondent (carrier) urges affirmance.

DECISION

Affirmed.

Section 409.001 requires that an employee, or a person acting on the employee's behalf, shall notify the employer of an injury not later than the 30th day after the date on which the injury occurs. Failure to do so, absent a showing of good cause or actual knowledge of the injury by the employer, relieves the carrier and employer of liability for the payment of benefits for the injury. Section 409.002. Good cause is defined as whether the claimant has exercised the degree of diligence of an ordinarily prudent person in prosecuting a claim. Texas Workers' Compensation Commission Appeal No. 92075, decided April 7, 1992. Good cause must continue up to the date when the claimant actually notifies the employer. Texas Workers' Compensation Commission Appeal No. 93649, decided September 8, 1993.

Whether good cause exists for failure to timely report an injury and whether timely notice is given is a question of fact for the hearing officer to decide. The hearing officer found that good cause existed until June 25, 2002, for the claimant's failure to notify the employer of the injury and that the claimant did not report the injury to his employer until, at the earliest, July 17, 2002. Consequently the hearing officer concluded that, because the claimant did not give timely notice of the injury, it is not compensable and the claimant did not have disability. Nothing in our review of the record indicates that the hearing officer's decision is 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's decision and order is affirmed.

The true corporate name of the insurance carrier is **SENTRY INSURANCE A MUTUAL COMPANY** and the name and address of its registered agent for service of process is

**GAIL L. ESTES  
1525 NORTH INTERSTATE 35E, SUITE 220  
CARROLLTON, TEXAS 75006.**

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Chris Cowan  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Roy L. Warren  
Appeals Judge