

APPEAL NO. 030480
FILED APRIL 7, 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 January 28, 2003. The hearing officer determined that the respondent (claimant) sustained a compensable injury on _____, which extended to and included the right ankle and right knee, but did not extend to and/or include the right elbow or left hip; that the claimant has had disability from March 19, 2002, and continuing through the date of the hearing; and that the appellant (carrier) is not relieved from liability under Section 409.002 because the claimant timely notified her employer pursuant to Section 409.001. The carrier appeals on sufficiency of the evidence grounds. The claimant responded, urging affirmance.

DECISION

Affirmed.

The questions of whether the claimant sustained and timely reported a compensable injury were questions of fact for the hearing officer to resolve. The hearing officer could have found injury based on the claimant's testimony alone. Gee v. Liberty Mut. Fire Ins. Co., 765 S.W.2d 394 (Tex. 1989). The hearing officer is the sole judge of the weight, credibility, relevance, and materiality of the evidence before her. Section 410.165(a). Our review of the record does not reveal that the hearing officer's determinations are so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Therefore, no sound basis exists for us to reverse those determinations on appeal. Pool v. Ford Motor Co., 715 S.W.2d 629 (Tex. 1986); Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer did not err in determining that the claimant had disability as a result of the compensable injury from March 19, 2002, through the date of the hearing. Disability is defined as "the inability because of a compensable injury to obtain and retain employment at wages equivalent to the preinjury wage." Section 401.011(16). Whether the claimant's compensable knee and ankle injuries were a cause of the claimant's inability to obtain and retain employment at preinjury wages was a question of fact for the hearing officer to resolve. There is sufficient evidence to support the hearing officer's determination that the claimant did have disability from March 19, 2002, and continuing through the date of the hearing. Cain, *supra*.

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **THE INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS, SUITE 750, COMMODORE 1
AUSTIN, TEXAS 78701.**

Michael B. McShane
Appeals Panel
Manager/Judge

CONCUR:

Daniel R. Barry
Appeals Judge

Robert W. Potts
Appeals Judge