

APPEAL NO. 030563
FILED APRIL 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 January 23, 2003. The hearing officer determined that respondent (claimant) sustained a compensable injury on _____; that she had good cause for not reporting the injury within 30 days; that appellant (carrier) is not relieved of liability because of claimant's failure to timely notify the employer of the injury; and that claimant had disability from November 2, 2002, through the date of the hearing. Carrier appealed these determinations on sufficiency grounds. Claimant responded that the Appeals Panel should affirm the hearing officer's decision and order.

DECISION

We affirm.

We have reviewed the complained-of determinations regarding injury and disability and conclude that the issues involved fact questions for the hearing officer. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determinations are supported by the record and are not 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).

Regarding timely notice, the hearing officer could have determined that claimant acted as a reasonably prudent person under the facts of this particular case in failing to report the injury until October 10, 2002. See Texas Workers' Compensation Commission Appeal No. 960502, decided April 25, 1996. Considering claimant's testimony about her fibromyalgia, her other continuing aches and pains, and her beliefs about trivializing her shoulder pain, we perceive no reversible error.

We affirm the hearing officer's decision and order.

According to information provided by carrier, 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

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

Judy L. S. Barnes
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Terri Kay Oliver
Appeals Judge