

APPEAL NO. 030626
FILED APRIL 28, 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 February 7, 2003. The hearing officer determined that the appellant (claimant) sustained a work-related injury on _____; that the claimant did not give her employer timely notice of the injury or have good cause for her failure to do so; that the injury is not compensable; and that the claimant did not have disability. The claimant appeals the determination relating to timely notice. The respondent (carrier) urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in making the complained-of determinations. Conflicting evidence was presented at the hearing on the disputed issues in this case. 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 from the evidence presented. The hearing officer was not persuaded by the claimant's testimony that she timely reported an injury. 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).

Because we affirm the hearing officer's determination on compensability, we likewise affirm the determination that the claimant did not have disability. As a matter of law, a claimant may not have disability without first sustaining a compensable injury. See Section 401.011(16).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **CASUALTY RECIPROCAL EXCHANGE** and the name and address of its registered agent for service of process is

**FRED S. STANLEY
9330 LBJ FREEWAY, SUITE 1400, ABRAMS CTR
DALLAS, TEXAS 75243.**

Edward Vilano
Appeals Judge

CONCUR:

Daniel R. Barry
Appeals Judge

Chris Cowan
Appeals Judge