

APPEAL NO. 032926  
FILED DECEMBER 30, 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 October 1, 2003. The hearing officer determined that the appellant (claimant) had good cause for failing to attend the designated doctor examination on August 20, 2002, and that he did not have disability from August 30, 2002, through January 23, 2003, as a result of the \_\_\_\_\_, compensable injury. The claimant appeals the disability determination. The respondent (self-insured) urges affirmance of the hearing officer's decision. The good cause determination has not been appealed and has become final pursuant to Section 410.169.

DECISION

Affirmed.

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). The claimant bears the burden of establishing that a compensable injury was a producing cause of his disability. The hearing officer was not persuaded by the evidence that the claimant satisfied his burden of proving that he had disability from August 30, 2002, through January 23, 2003. Although the claimant asserts in his appeal that he had disability from \_\_\_\_\_, through March 12, 2003, those were not the dates included in the disputed disability period that was presented to the hearing officer for resolution. 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 claimant appears to complain of ineffective assistance from the Texas Workers' Compensation Commission's ombudsman in the presentation of evidence. The claimant did not raise this matter at the hearing below, nor does the record reflect that he attempted to provide any additional documentary evidence in support of his claim. Accordingly, we decline to reverse the hearing officer's decision on this basis.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**CITY SECRETARY  
(ADDRESS)  
(CITY), TEXAS (ZIP CODE).**

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Chris Cowan  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Gary L. Kilgore  
Appeals Judge