

APPEAL NO. 041787  
FILED SEPTEMBER 2, 2004

This appeal after remand arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on April 28, 2004. The hearing officer determined that the appellant (claimant) did not sustain a compensable mental trauma injury on or about \_\_\_\_\_; that the respondent (self-insured) is relieved from liability under Section 409.002 because of the claimant's failure to timely notify her employer pursuant to Section 409.001; and that the claimant did not have disability from June 10 through October 13, 2003, resulting from an injury sustained on \_\_\_\_\_. The claimant appealed on sufficiency of the evidence grounds. The self-insured responded, urging affirmance.

The Appeals Panel reversed the hearing officer's decision because Self-Insured's Exhibit I was incomplete and remanded the case for the addition or reconstruction of the missing pages of the self-insured's exhibit. The hearing officer did not hold a CCH on remand. The record reflects that Self-Insured's Exhibit I was reconstructed and completed. In a decision on remand, the hearing officer essentially made the same determinations. The claimant again appealed and the self-insured responded that the Appeals Panel should affirm the hearing officer's decision.

DECISION

Affirmed.

The hearing officer did not err in making the complained-of determinations. The claimant had the burden of proof on these issues. It was for the hearing officer, as the trier of fact, to resolve the conflicts and inconsistencies in the evidence and to determine what facts had been established. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). In the instant case, the hearing officer determined that the claimant knew or should have known that her mental condition was work related on January 4, 2001, when she was diagnosed with post-traumatic stress disorder as a result of the work activities she performed on \_\_\_\_\_. The hearing officer determined that the claimant reported an injury to her employer in August 2002, and that she failed to establish good cause for failing to inform her employer within 30 days from January 4, 2001. Given that the hearing officer determined that the claimant failed to give timely notice of her injury, the hearing officer found that the claimant did not sustain a compensable injury and that she did not have disability. In view of the evidence presented, we cannot conclude that the hearing officer's determinations are 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 decision and order of the hearing officer 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

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

---

Veronica L. Ruberto  
Appeals Judge

CONCUR:

---

Robert W. Potts  
Appeals Judge

---

Edward Vilano  
Appeals Judge