APPEAL NO. 020446
FILED APRIL 10, 2002

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, 2002. The hearing officer resolved the disputed issues by determining that the respondent (claimant) sustained a compensable injury in the form of an insect bite on ____________, and that she had disability from May 23 to August 11, 2001. The appellant (self-insured) appealed. There is no response from the claimant in the file.

DECISION

Affirmed.

The claimant testified that while performing her duties as a school bus driver for the self-insured, she was bitten behind her right knee by a brown recluse spider and became very ill. The medical records support the claimant's position that she was bitten by a brown recluse spider; that the resulting injury was serious enough to require two hospitalizations; and that as a result of the injury, she was unable to obtain and retain employment at wages equivalent to her preinjury wage from May 23, 2001, through August 11, 2001. On appeal, the self-insured asserts that the hearing officer's determinations as to injury and disability are against the great weight of the evidence, and that the claimant failed to prove that the spider bite was due to a hazard that is incidental or inherent to her job.

We have previously held that injuries caused by insect bites or stings can be compensable. *See* Texas Workers' Compensation Commission Appeal No. 951583, decided November 9, 1995, and the cases cited therein. The self-insured argues that the spider bite did not "arise from" the claimant's employment. In Texas Workers' Comp. Ins. Fund v. Simon, 980 S.W.2d 730 (Tex. App.-San Antonio 1998, no writ), the court stated that the "question under this prong of liability is whether the injury would have occurred if the 'conditions and obligations of employment had not placed the claimant in harms way.'" *Id.* at 735-36, quoting Employers Cas. Co. v. Bratcher, 823 S.W.2d 719, 721 (Tex. App.-El Paso 1992, writ denied). In this instance, the hearing officer could infer from the evidence presented as to the remote location of the bus barn where the school buses are stored and the fact that the school bus door remained open at night in the barn, and that the claimant's employment as a bus driver put her at greater risk of being bitten by a brown recluse spider. *See* Texas Workers' Compensation Commission Appeal No. 980102, decided March 3, 1998 (Unpublished). The hearing officer was acting within her province as the sole judge of the weight and credibility of the evidence under Section 410.165(a) in so finding. The hearing officer resolved the conflicts and inconsistencies in the evidence in favor of the claimant. Garza v. Commercial Ins. Co., 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). Nothing in our review of the record demonstrates that the hearing officer's determination that the claimant sustained a compensable spider bite injury is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Thus, no sound basis exists for us to reverse that determination on

appeal. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); In re King's Estate, 150 Tex. 662, 224 S.W.2d 660 (1951).

The self-insured's challenge to the hearing officer's disability determination is dependent upon the success of its argument that the claimant did not sustain a compensable injury. Given our affirmance of the injury determination, we likewise affirm the determination that the claimant had disability from May 23 to August 11, 2001.

The hearing officer's decision and order are affirmed.

The true corporate name of the self-insured is **(SELF-INSURED)** and the name and address of its registered agent for service of process is

SUPERINTENDENT
(ADDRESS)
(CITY), TEXAS (ZIP CODE).

____
Elaine M. Chaney
Appeals Judge

CONCUR:

____
Thomas A. Knapp
Appeals Judge

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Edward Vilano
Appeals Judge