APPEAL NO. 011146
FILED JULY 05, 2001

This appeal 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 5, 2001, with the record closing on April 20, 2001. The hearing officer determined that the appellant/cross-respondent's (claimant) compensable injury extended to her cervical spine but not her lumbar spine. The hearing officer further found that the claimant did not have disability resulting from her compensable injury after September 1, 2000, to the date of the CCH.

Both parties have appealed. The claimant asserts that the hearing officer's determination is against the great weight and preponderance of the evidence as to be manifestly unfair or unjust. The respondent/cross-appellant (carrier) has appealed the finding that the claimant's injury extends to her cervical spine. Neither party responds to the other's appeal.

DECISION

We affirm the hearing officer's decision on all appealed points.

The hearing officer did not err in finding that the claimant's compensable motor vehicle accident (MVA) that she sustained on _____, included injury to the cervical spine but not the lumbar spine. The claimant's vehicle was "rear ended" while she was stopped at a red light; she reported shoulder and upper back pain in the emergency room, and returned to work in January 2000. Although the carrier's conduct of cutting off all medical treatment and testing in August 2000, based upon the uncorroborated statement of a fourth party medical adjuster that there was an intervening injury, was not prudent, medical evidence was not required to prove the causal connection in this case. The hearing officer weighed the testimony and found the claimant's testimony credible for the cervical spine injury and not credible to bridge the link between the MVA and the lumbar condition. She could consider that the claimant was adjudged as having some symptom magnification by the doctor for the carrier (even while much of his first report was favorable) and that the original injury was more in the nature of a soft tissue injury that would be expected to heal prior to a year after the accident. The hearing officer did not have to accept as credible that the claimant was utterly incapable of driving with her pain medication.

We would caution that while chronology alone does not establish a causal connection between an accident and a later-diagnosed injury (Texas Workers' Compensation Commission Appeal No. 94231, decided April 8, 1994), neither does a delayed manifestation nor the failure to immediately mention an injury to a health care provider necessarily rule out a connection. *See* Texas Employers Insurance Company v. Stephenson, 496 S.W.2d 184 (Tex. Civ. App.-Amarillo 1973, no writ). Generally, lay testimony establishing a sequence of events which provides a strong, logically traceable

connection between the event and the condition is sufficient proof of causation. Morgan v. Compugraphic Corp., 675 S.W.2d 729, 733 (Tex. 1984).

The hearing officer did not err in the period of disability set out in the decision. As noted, the claimant had returned to work at least twice after the MVA. As the hearing officer noted, the primary problem affecting the claimant appeared to be left sided pain that the hearing officer noted was not linked to the compensable injury.

The decision of the hearing officer will be set aside only if the evidence supporting the hearing officer's determination is so weak or against the overwhelming weight of the evidence as to be clearly wrong or manifestly unjust. Atlantic Mutual Insurance Company v. Middleman, 661 S.W.2d 182 (Tex. App.-San Antonio 1983, writ ref'd n.r.e.). We cannot agree that this was the case here and affirm the decision and order.

Susan M. Kelley
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Gary L. Kilgore
Appeals Judge