

APPEAL NO. 011983
FILED SEPTEMBER 24, 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 was held on July 30, 2001. On an extent-of-injury issue, the hearing officer determined that the claimant's _____, injury (amputation of his left thumb in a saw) extended to include cervical spine and left shoulder injuries.

The carrier appeals and argues that there is no evidence of such a causal connection. The claimant responds that the hearing officer's decision is supported by the record and recites favorable evidence.

DECISION

We affirm the hearing officer's decision.

The hearing officer did not err in holding that the injury extended to include cervical spine and left shoulder injuries. The claimant, a custom cabinet maker, testified how he jerked his left arm as he felt the sensation of cutting something other than wood. He sustained and was immediately treated in the emergency room for this thumb, and stated that, whether recorded or not by doctors, he reported increasing left forearm pain to those giving follow-up care. While there is some conflicting medical evidence, there is evidence within a couple of months after the thumb accident that he was treated for increasing arm pain. The claimant testified that he returned to work for two months but had to quit in May 2000 when he could not bear the pain.

Shoulder pain is noted in his medical records on May 15, 2000. He had pain injections in his arm. In June, he had a cubital tunnel release and further surgery in November 2000 and appears to have had his arm in a sling thereafter. He denied that he sustained any other injury on the job or after he left, or that he had any preexisting problems. An opinion from the claimant's treating doctor supports the causal connection to a jerking reaction. A doctor for the carrier attributed the claimant's problems to degenerative conditions. The claimant's boss said that when he returned to work, the claimant's ability to lift things up was impaired, and he was sure that the claimant's arm was sore when he returned. The boss also contended that the claimant reported arm pain after he tried to help unload a truck.

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 site of the trauma and its immediate effects are not necessarily determinative of the nature and extent of the compensable injury and the full consequences of the original injury, together with the effects of its treatment, upon the health and body of the worker are to be considered. Western Casualty & Surety Company v. Gonzales, 518 S.W.2d 524 (Tex. 1975).

An appeals-level body is not a fact finder, and does not normally pass upon the credibility of witnesses or substitute its own judgment for that of the trier of fact, even if the evidence would support a different result. National Union Fire Insurance Company of Pittsburgh, Pennsylvania v. Soto, 819 S.W.2d 619, 620 (Tex. App.-El Paso 1991, writ denied); American Motorists Insurance Co. v. Volentine, 867 S.W.2d 170 (Tex. App.-Beaumont 1993, no writ).

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.

The true corporate name of the insurance carrier is **TEXAS MUTUAL INSURANCE COMPANY** (formerly Texas Workers' Compensation Insurance Fund) and the name and address of its registered agent for service of process is

**MR. RUSSELL OLIVER
221 WEST 6TH STREET
AUSTIN, TEXAS 78701.**

Susan M. Kelley
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Michael B. McShane
Appeals Judge