APPEAL NO. 012089
FILED OCTOBER 9, 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 31, 2001. The hearing officer held that the appellant (claimant) had not proven that he injured his neck during a _____, lifting incident at work, and that any inability to work after March 1, 2001, was not the result of his compensable injury. As noted by the hearing officer, the first issue was poorly phrased; that is, whether the claimant's compensable injury was a producing cause of the March 13, 2001, cervical MRI finding and could literally be answered in the negative because the claimant had not had an MRI.

The claimant has appealed, complaining that the hearing officer has "obviously . . . not studied" the role of trauma in causing foraminal narrowing. He argues that the decision on injury and disability is against the great weight and preponderance of the evidence. The respondent (self-insured) responds and recites facts in support of the decision.

DECISION

We affirm the hearing officer's decision.

All dates are 2001 unless otherwise stated. The hearing officer did not err in holding that the claimant did not prove that his accepted compensable hand injury on _____ extended to his neck or caused him to be unable to obtain and retain employment. The following facts support the hearing officer's decision: the claimant continued to work after _____, and he was released without restriction by his treating doctor on February 27; he was involved in a head-on motor vehicle accident (MVA) on March 1; he was taken off work for the MVA; the CT scan does not attribute the neck condition to an acute injury; and the claimant reported to his automobile company that he hurt his neck as well as other regions of his body as in the March 1 MVA.

The burden is on the claimant to prove that an injury occurred within the course and scope of employment. Service Lloyds Insurance Co. v. Martin, 855 S.W.2d 816 (Tex. App.-Dallas 1993, no writ); Texas Employers Insurance Association v. Page, 553 S.W.2d 98 (Tex. 1977). Matters of causation must be proven by the claimant and not through the "self-study" efforts of the trier of fact; if trauma could produce the conditions that the hearing officer obviously believed were degenerative, it was incumbent upon the claimant to prove this. A trier of fact is not required to accept a claimant's testimony at face value, even if not specifically contradicted by other evidence. Bullard v. Universal Underwriters Insurance Company, 609 S.W.2d 621 (Tex. Civ. App.-Amarillo 1980, no writ). There are conflicts in the record, but those were the responsibility of the hearing officer to judge, considering the demeanor of the witnesses and the record as a whole. The facts set out in a medical record are not proof that a work-related injury in fact occurred. Presley v. Royal Indemnity Insurance Company, 557 S.W.2d 611 (Tex. Civ. App.-Texarkana 1977,

no writ).

The hearing officer is the sole judge of the relevance, materiality, weight, and credibility of the evidence presented at the hearing. Section 410.165(a). The decision should not be set aside because different inferences and conclusions may be drawn upon review, even when the record contains evidence that would lend itself to different inferences. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, 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 **SELF-INSURED** and the name and address of its registered agent for service of process is

MAYOR JOHN MONDY
200 HIGHWAY 78 NORTH
WYLIE, TEXAS 75098.

Susan M. Kelley
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Gary L. Kilgore
Appeals Judge