APPEAL NO. 012191
FILED NOVEMBER 7, 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 August 21, 2001. The hearing officer determined that the respondent (claimant) sustained a compensable injury on _____, and had disability for the period from _____, until the date of the CCH.

The appellant (carrier) has appealed, arguing that this decision is against the great weight and preponderance of the evidence. The claimant has not responded.

DECISION

Affirmed.

There was conflicting evidence surrounding the occurrence of this injury and whether the claim of injury was in response to a counseling session that the employer had with the claimant. The claimant asserted a specific injury in lifting a box at a customer's location; the medical records initially indicated a repetitive lifting of boxes leading to injury. Lumbar strain was diagnosed. Testimony concerning inability to work was essentially limited to the doctor's statements taking the claimant off work through mid-April, and the claimant's testimony that his doctor "still" had him off work.

Although different inferences could clearly have been drawn from the record in this case, this fact alone will not mandate a reversal of the decision of the trier of fact where there is sufficient evidence to support that decision. 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). A claimant's testimony alone may establish that an injury has occurred, and disability has resulted from it. Houston Independent School District v. Harrison, 744 S.W.2d 298, 299 (Tex. App.-Houston [1st Dist.] 1987, 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 **CONTINENTAL CASUALTY COMPANY** and the name and address of its registered agent for service of process is

C.T. CORPORATION SYSTEM
360 ST. PAUL
DALLAS, TEXAS 75203.

Susan M. Kelley
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Philip F. O'Neill
Appeals Judge