

APPEAL NO. 012237
FILED NOVEMBER 12, 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 27, 2001. The hearing officer resolved the disputed issues by determining that the respondent (claimant) sustained a compensable injury on _____; had disability from the injury for the period from _____ through March 5, 2001; and that the appellant (carrier) was not relieved of liability for the claim because of the failure to give timely notice of the injury to the employer. Regarding this last issue, there were fact findings that the claimant timely notified a supervisor of his injury, and that he further promptly filed a claim at a later point when he realized that his injury was serious. The carrier appealed on sufficiency grounds. There is no response from the claimant.

DECISION

Affirmed.

The hearing officer did not err in her findings on any of the appealed issues. There is sufficient evidence from a record of conflicting evidence to support the determination that the claimant was injured at work and had disability. Regarding the notice issue, there is evidence supporting the hearing officer's fact findings that the claimant reported his injury timely to his lead man, a functional supervisor, within thirty days (timely reporting) or that he reported the injury in January when he was told by his doctor that his injury was serious (trivialization and good cause). Either fact finding supports the conclusion of law that the carrier is not relieved of liability under Section 409.002.

The 1989 Act makes the hearing officer the sole judge of the weight and credibility of the evidence. Section 410.165(a). We would observe 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's decision is supported by sufficient evidence and it is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951).

The hearing officer's decision and order are affirmed.

According to the document filed by the carrier at the CCH, the true corporate name of the insurance carrier is **ZURICH AMERICAN INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**GEORGE MICHAEL JONES
9330 LBJ FREEWAY, SUITE 1200
DALLAS, TEXAS 75243.**

Susan M. Kelley
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Thomas A. Knapp
Appeals Judge