APPEAL NO. 012404
FILED NOVEMBER 28, 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 September 19, 2001. The hearing officer determined that the respondent's (claimant) left shoulder and depression, but not the claimant's low back, are part of the compensable injury of _____, that the claimant had disability beginning on November 30, 2000, continuing through the date of the CCH, that the claimant has not reached maximum medical improvement (MMI) and that the claimant's impairment rating is not ripe for adjudication because the claimant has not reached MMI.

The appellant (carrier) appeals, arguing that the hearing officer's determinations are against the great weight and preponderance of the evidence and that expert medical evidence is needed to prove causation for depression. The claimant responds that the fact findings of the hearing officer are sufficiently supported in the record and should not be set aside by the Appeals Panel. The determination that the low back is not part of the compensable injury has become final.

DECISION

We affirm the hearing officer's decision.

There is sufficient factual support for the hearing officer's determinations in the record. The accident involved a metal door falling on the claimant's head. The existence of a compensable injury was stipulated. We cannot agree with the argument that causation of depression from an injury and related pain is beyond common experience such that expert medical testimony is required to support the hearing officer's decision. In this case, there was medical evidence in favor of the claimant's condition of depression. There was no evidence of any preexisting depression, insomnia, or feelings of hopelessness. The site of the trauma and its immediate effects are not necessarily determinative of the nature and extent of the compensable injury. The full consequences of the original injury, along with the effect of its treatment, upon the health and body of the worker are to be considered in determining the extent of the injury. Western Casualty and Surety Company v. Gonzales, 518 S.W.2d 524 (Tex. 1975).

Likewise, the hearing officer did not err in giving presumptive weight to the report of the designated doctor that the claimant was not at MMI. A surveillance videotape does not constitute medical evidence nor was the designated doctor required to view or consider it in his evaluation. It was for the hearing officer, as trier of fact, to resolve the inconsistencies and conflicts in the evidence and to weigh the credibility of the claimant. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701, 702 (Tex. Civ. App.-Amarillo 1974, no writ). 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).

In considering all the evidence in the record, we cannot agree that the findings of the hearing officer are so against the great weight and preponderance of the evidence as to be manifestly wrong and unjust. In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951).

We affirm the decision and order.

The true corporate name of the insurance carrier is **TRINITY UNIVERSAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**DONALD GENE SOUTHWELL**
**10000 N. CENTRAL EXPRESSWAY**
**DALLAS, TEXAS 75265**.

Susan M. Kelley
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Robert W. Potts
Appeals Judge