APPEAL NO. 013082
FILED JANUARY 29, 2002

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 November 26, 2001. With respect to the issues before him, the hearing officer determined that the respondent (claimant) sustained a compensable injury on _____, and that she had disability, as a result of her compensable injury, from _____, through the date of the hearing. In its appeal, the appellant (self-insured) asserts that those determinations are against the great weight and preponderance of the evidence. There is no response from the claimant in our file.

DECISION

Affirmed.

There is sufficient evidence to support the hearing officer's determinations that the claimant sustained a compensable injury. The self-insured contends that the hearing officer erred in finding that the claimant sustained her burden of proving an injury because an accidental injury should be traceable to a definite time, place, and cause, and the claimant failed to establish what specific activity caused her back injury. The Appeals Panel has considered and rejected similar arguments in Texas Workers' Compensation Commission Appeal No. 94278, decided April 12, 1994; Texas Workers' Compensation Commission Appeal No. 93759, decided October 8, 1993; and Texas Workers' Compensation Commission Appeal No. 010681, decided May 10, 2001. Those cases cite Hartford Accident and Indem. Co. v. Contreras, 498 S.W.2d 419 (Tex. Civ. App.-Houston [1st Dist.] 1973, writ ref'd n.r.e.), in which the court of appeals held that the claimant's testimony about lifting 50-pound sacks at work combined with the medical evidence of a soft tissue injury to the claimant's back sufficiently established the accidental nature of the injury, traceable to a definite time, place, and cause. Likewise, in Transport Ins. Co. v. McCully, 481 S.W.2d 948, 950 (Tex. Civ. App.-Austin 1972, writ ref'd n.r.e.), the court noted that an employee need not meet the "nearly impossible burden" of proving which specific task during a period of exertion at work led to the injury. Similarly, in Morgan v. Compugraphic Corp., 675 S.W.2d 729, 733 (Tex. 1984), the Texas Supreme Court stated as follows:

> 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.

The hearing officer is the sole judge of the weight and credibility to be given the evidence. Section 410.165(a). Nothing in our review of the record demonstrates that the hearing officer's determination that the claimant sustained a compensable injury is so contrary to the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to reverse that determination

on appeal. Pool v. Ford Motor Co., 715 S.W.2d 629, 635 (Tex. 1986); Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The success of the self-insured's challenge to the hearing officer's disability determination is dependent upon the success of its argument that the claimant did not sustain a compensable injury. Given our affirmance of the injury determination, we likewise affirm the determination that the claimant had disability, as a result of her compensable injury, from _____, through the date of the hearing.

The decision and order of the hearing officer are affirmed.

The true corporate name of the self-insured is **(a certified self-insured)** and the name and address of its registered agent for service of process is

C. T. CORPORATION
811 DALLAS AVENUE
HOUSTON, TEXAS 77002.

Michael B. McShane
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Edward Vilano
Appeals Judge