

DECISION
ON
APPEAL

FILED

FEB 19 2002

DIRECTOR
DIVISION OF HEARINGS
TEXAS WORKERS'
COMPENSATION COMMISSION

APPEAL NO. 020146

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 December 17, 2001, in _____ Texas, with _____ presiding as hearing officer. The hearing officer determined that the respondent's (claimant) _____ compensable injury extends to include a left shoulder injury. The appellant (carrier) appealed the hearing officer's determination that the compensable injury includes a left shoulder injury on sufficiency grounds. The claimant responded, urging affirmance.

DECISION

We affirm.

It was undisputed that on _____ the claimant sustained a compensable left foot and right knee injury. The claimant testified that the injury occurred when she slipped and fell to the floor, striking her left shoulder on a doorframe. The claimant testified that while she bruised her left shoulder in the fall, she was not aware that she had injured it until a later date when the pain failed to resolve. The first notation of shoulder pain in the medical records is on _____. At least two doctors opined that the claimant's left shoulder injury resulted from the _____ fall, including the carrier's doctor.

On appeal, the carrier argues that the hearing officer's determination is against the great weight and preponderance of the evidence because the only evidence supporting an injury is the claimant's subjective complaints of pain. The hearing officer is the trier of fact and is the sole judge of the relevance and materiality of the evidence and of the weight and credibility to be given to the evidence. Section 410.165(a).

We would caution that while chronology alone does not establish a casual 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 site of the trauma and its immediate effects are not necessarily determinative of the nature and extent of the compensable injury, and the full consequences of the original injury, together with the effects of its treatment, upon the health and body of the worker are to be considered. Western Casualty and Surety Company v. Gonzales, 518 S.W.2d 524 (Tex. 1975).

The trier of fact may believe all, part, or none of any witness's testimony. Taylor v. Lewis, 553 S.W.2d 153 (Tex. Civ. App.-Amarillo 1977, writ ref'd n.r.e.); Texas Workers' Compensation Commission Appeal No. 93426, decided July 5, 1993. This is equally true regarding medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). In the instant case, the hearing officer heard the testimony, reviewed the medical records before her, and determined that the claimant did in fact injure her left shoulder when she fell on The hearing officer's determination that the claimant sustained a compensable left shoulder injury is supported by the claimant's testimony and the medical records in evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to disturb that determination on appeal. Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986); Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

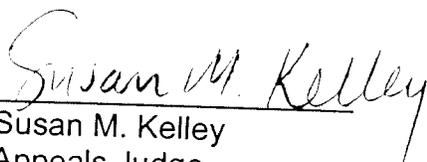
According to information provided by carrier, the true corporate name of the insurance carrier is **AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA** and the name and address of its registered agent for service of process is

**CT CORPORATION
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**


Gary L. Kilgore
Appeals Judge

CONCUR:


Chris Cowan
Appeals Judge


Susan M. Kelley
Appeals Judge