

APPEAL NO. 020158  
FILED FEBRUARY 26, 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 convened on November 29, 2001, but reset to January 4, 2002. The hearing officer resolved the disputed issues before her by determining that the appellant (claimant) did not sustain a compensable injury on \_\_\_\_\_; that the respondent (carrier) is not relieved of liability pursuant to Section 409.002 because the claimant timely notified his employer pursuant to Section 409.001; and that because the claimant did not sustain a compensable injury, he did not have disability. The claimant appealed the hearing officer's determinations as to injury and disability on sufficiency grounds. The carrier responded, urging affirmance. The hearing officer's determination that the claimant timely notified the employer of his injury is unappealed and has become final. Section 410.169.

DECISION

We affirm.

The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). Whether or not a claimant has sustained a compensable injury and has disability is a question of fact for the hearing officer to resolve. In a case such as the one before us where causation of the condition is not within common knowledge, expert medical evidence to a reasonable degree of medical probability is required in order for the claimant to sustain his burden of proof. Houston General Insurance Company v. Pegues, 514 S.W.2d 492 (Tex. Civ. App.-Texarkana 1974, writ ref'd n.r.e.). The hearing officer considered the medical evidence and determined that it failed to establish a causal link between the claimant's employment and his injury to a reasonable degree of medical certainty. An appeals-level body is not a fact finder, and it does not normally pass upon the credibility of the evidence 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). We conclude that the hearing officer's determinations are supported by sufficient evidence, and that they are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **AMERICAN ZURICH 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.**

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Gary L. Kilgore  
Appeals Judge

CONCUR:

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Chris Cowan  
Appeals Judge

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Philip F. O'Neill  
Appeals Judge