

APPEAL NO. 020369
FILE APRIL 1, 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 January 15, 2002. With respect to the disputed issues, the appellant (self-insured) appealed the hearing officer's determination that the compensable injury is a producing cause of the respondent's (claimant) left ankle problems, left pes planus (flat feet) aggravation, and posterior tibial tendon dysfunction, and that the claimant had disability from December 11, 2000, through May 1, 2001, resulting from the injury sustained on _____. There is no response from the claimant contained in our file.

DECISION

The hearing officer's decision is affirmed.

It is undisputed that the claimant sustained a compensable injury to his left ankle. Conflicting evidence was presented regarding the extent of the compensable injury and the disability therefrom. The hearing officer indicated that he believed the theory of injury articulated by the claimant and his doctor: that his ankle was swollen as a result of his twisting, specifically the posterior tibial tendon. He found that this swelling created substantial stress and inflammation which affected and aggravated the claimant's "flat foot" condition, leading to surgery.

We would caution 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 necessarily rule out a connection. See Texas Employers Insurance Company v. Stephenson, 496 S.W.2d 184 (Tex. Civ. App.-Amarillo 1973, no writ). 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 hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established from the evidence presented. The weight to be given to the claimant's testimony and the medical opinions was for the hearing officer to determine as the finder of fact.

The hearing officer's decision on extent of injury and disability is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). The hearing officer's decision and order are affirmed.

The true corporate name of the self insured is **INTERNATIONAL PAPER COMPANY** and the name and address of its registered agent for service of process is

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

Susan M. Kelley
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Terri Kay Oliver
Appeals Judge