

APPEAL NO. 020532  
FILED APRIL 11, 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 February 6, 2002. She determined that the appellant's (claimant) compensable right ankle injury of \_\_\_\_\_, did not extend to several other conditions, including spinal injury, reflex sympathetic dystrophy, knee problems, or headaches (as well as other enumerated conditions). The claimant has appealed these determinations; the respondent (carrier) responds, seeking affirmance.

DECISION

We affirm the hearing officer's decision.

Essentially, the claimant quarrels with the manner in which the hearing officer gave weight and credibility to the evidence. The hearing officer is the sole judge of the relevance, materiality, weight, and credibility of the evidence presented at the hearing. Section 410.165(a). The decision should not be set aside because different inferences and conclusions may be drawn upon review, even when the record contains evidence that would lend itself to different inferences. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (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). The parties in this case presented conflicting evidence for the hearing officer to resolve. In this case, there was proof of two intervening motor vehicle accidents (MVA) that required medical treatment; the trier of fact could conclude that it was more likely than not that the host of problems that the claimant has been experiencing are related to these MVAs rather than to his ankle injury.

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 therefore affirm the decision and order.

The true corporate name of the insurance carrier is **EMPLOYERS INSURANCE OF WAUSAU, A MUTUAL COMPANY**, and the name and address of its registered agent for service of process is

**RICK KNIGHT  
105 DECKER COURT, SUITE 600  
IRVING, TEXAS 75062.**

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Susan M. Kelley  
Appeals Judge

CONCUR:

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Philip F. O'Neill  
Appeals Judge

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Terri Kay Oliver  
Appeals Judge