

APPEAL NO. 020926
FILED JUNE 5, 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 March 6, 2002. The hearing officer determined that the compensable injury of _____, extended to and includes the conditions of post-traumatic vertigo and hearing loss and that the respondent (claimant) had disability beginning March 16, 2001, and continuing through the date of the hearing. The appellant (carrier) appeals the determinations on sufficiency grounds. No response was filed.

DECISION

Affirmed.

The hearing officer did not err in reaching the complained-of determinations. Where the matter of the causation of the claimed injury is beyond common knowledge or experience, expert evidence to a reasonable degree of medical probability is required. Houston General Insurance Company v. Pegues, 514 S.W.2d 492 (Tex. Civ. App.-Texarkana 1974, writ ref'd n.r.e.). In Stodghill v. Texas Employers Insurance Association, 582 S.W.2d 102 (Tex. 1979), the Supreme Court of Texas stated that the medical expert need not use the exact magic words "reasonable medical probability," but that the evidence is sufficient if the circumstances show that this is the substance of what the expert is saying. In view of the claimant's medical evidence, the hearing officer, as sole judge of the weight and credibility of the evidence, could determine that the compensable injury extended to include post-traumatic vertigo and hearing loss and that the claimant had resulting disability for the stated period. The challenged determinations are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Thus, no sound basis exists for us to reverse them on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

The true corporate name of the carrier is **ZURICH AMERICAN INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**GARY SUDOL
9330 LBJ FREEWAY, SUITE 1200
DALLAS, TEXAS 75243.**

Elaine M. Chaney
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Robert W. Potts
Appeals Judge