APPEAL NO. 021100
FILED JUNE 10, 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 April 1, 2002. The hearing officer held that the appellant's (claimant) lumbar injury did not extend to the thoracic and cervical spine, and that the claimant had disability from her injury for the period from April 25 until October 9, 2001.

The claimant has appealed, arguing that the hearing officer's mischaracterization of the evidence shows it was not considered. The respondent (carrier) urges affirmance.

DECISION

We affirm the hearing officer's decision.

Initially, we note that an error in a date was made in one of the hearing officer's findings of fact when he states that it was opined by the medical clinic that first evaluated the claimant that maximum medical improvement was anticipated on May 12. Instead, the anticipated dates shown in the clinic records are May 14 and 15.

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 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).

However, it was the responsibility of the hearing officer to determine if the injury was limited to what the claimant originally claimed on her Employee's Notice of Injury or Occupational Disease and Claim for Compensation (TWCC-41) (lumbar and tailbone) or actually included other areas of her body. 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). Finding the decision supported by the record, we affirm.

The true corporate name of the insurance carrier is **TRAVELERS INDEMNITY COMPANY OF CONNECTICUT** and the name and address of its registered agent for service of process is

C.T. CORPORATION SYSTEM
350 N. ST. PAUL
DALLAS, TEXAS 75201.

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Susan M. Kelley
Appeals Judge

CONCUR:

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Thomas A. Knapp
Appeals Judge

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Philip F. O'Neill
Appeals Judge