APPEAL NO. 022294
FILED OCTOBER 16, 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 August 8, 2002. The hearing officer determined that the respondent's (claimant) compensable back injury included a herniated disc. The appellant (carrier) appeals, arguing that the sole injury indicated by the company doctor was a sandblasting abrasion, that the claimant failed to mention that he fell when the injury was reported, and that the hearing officer gave inappropriate weight to the designated doctor's statements on the nature and cause of the back injury. The claimant responds that the opinion of a designated doctor can be weighed along with the other evidence even when not entitled to presumptive weight, and that the decision should be affirmed.

DECISION

We affirm the hearing officer's decision.

The claimant was engaged in sandblasting when a coworker, also sandblasting, rounded a corner to which the claimant had his back turned, and the claimant was hit in the back by the force of the coworker's blaster. The claimant said he fell to his knees and twisted as he fell. He immediately reported the incident and was sent to the company doctor. At that time, the claimant said his pain related to an abraded area on his back, for which he was treated. The company doctor noted that he was to follow-up; but later notes indicate that he did not, and the company doctor therefore stated that the claimant's subsequent status was unknown.

The claimant said that the next day he had considerable pain in his back, radiating to his leg, and went to be treated by an injury center whom he selected pursuant to an advertisement he had seen on television. To greatly summarize the evidence, he was initially treated for a lumbar strain and a later MRI showed a small herniated lumbar disc. A designated doctor who evaluated the claimant's maximum medical improvement status and any impairment noted that the claimant's medical records reflect that he was treated, for the most part, a lumbar herniated disc, after the initial treatment for an abrasion.

The carrier's theory of defense is apparently based on a contention that the first medical report fixed the nature of the claimant's injury. However, neither a delayed manifestation of a condition nor the failure to immediately mention an injury to a health care provider rules out a connection to a work-related accident. *See* Texas Employers Insurance Company v. Stephenson, 496 S.W.2d 184 (Tex. Civ. App.-Amarillo 1973, no writ). Generally, lay testimony establishing a sequence of events which provides a strong, logically traceable connection between the event and the condition is sufficient proof of causation. Morgan v. Compugraphic Corp., 675 S.W.2d 729, 733 (Tex. 1984). 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).

Further, the carrier argues that because the designated doctor's report does not have presumptive weight on causation, and he exceeded his function by opining about causation, his report should not have been given strong weight by the hearing officer. We disagree. The report of any examining physician may be weighed and considered on causation, regardless of whether entitled to "presumptive weight." The decision specifically states that presumptive weight was not given, and no wrong standard was applied by the finder of fact in the consideration of the evidence.

The decision of the hearing officer will be set aside only if the evidence supporting the hearing officer's determination is so weak or against the overwhelming weight of the evidence as to be clearly wrong or manifestly unjust. Atlantic Mutual Insurance Company v. Middleman, 661 S.W.2d 182 (Tex. App.-San Antonio 1983, writ ref'd n.r.e.). That is not the case here, and we affirm the decision and order.

The true corporate name of the insurance carrier is **ST. PAUL FIRE & MARINE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY**
**800 BRAZOS**
**AUSTIN, TEXAS 78701**.

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Susan M. Kelley
Appeals Judge

CONCUR:

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Elaine M. Chaney
Appeals Judge

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Thomas A. Knapp
Appeals Judge