APPEAL NO. 022609
FILED NOVEMBER 21, 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 September 19, 2002. The hearing officer determined that the appellant's (claimant) _____, compensable injury does not extend to or include injury to her right upper extremity, left shoulder, left arm, or feet and that the claimant is not entitled to change treating doctors to a Florida physician. The claimant appealed the extent-of-injury determination, asserting that the hearing officer used the wrong legal standard and it is against the great weight of the evidence. The claimant appealed the denial of her request to change treating doctors as being an abuse of discretion. The respondent (self-insured) responded, urging affirmance.

DECISION

Affirmed.

The claimant was attacked by a student on _____, hyperextending an index finger. It was the claimant's position that the injury had grown to extend to complex regional pain syndrome throughout her body. With regard to extent of injury, the claimant asserts that the hearing officer applied the wrong legal standard and essentially challenges the way in which the hearing officer gave weight to the evidence before him. We do not agree. First of all, nothing in our review of the record indicates that the hearing officer applied the wrong legal standard in reaching his decision. After detailing the medical evidence, the hearing officer determined that the claimant failed to prove a causal link between her compensable injury and her current physical problems. While the hearing officer's interpretation of the medical records is clearly different from that of the claimant, we cannot say that he "distorted" the record or "misstated" the opinions of several doctors. The claimant had the burden to prove that her compensable injury extended to and included the now complained-of condition. There is conflicting evidence in this case. The 1989 Act makes the hearing officer the sole judge of the weight and credibility to be given to the evidence. Section 410.165(a). The finder of fact may believe that the claimant has an injury, but disbelieve that the injury occurred at work as claimed. Johnson v. Employers Reinsurance Corp., 351 S.W.2d 936 (Tex. Civ. App.-Texarkana 1961, no writ). A fact finder is not bound by medical evidence where the credibility of that evidence is manifestly dependent upon the credibility of the information imparted to the doctor by the claimant. Rowland v. Standard Fire Ins. Co., 489 S.W.2d 151 (Tex. Civ. App.-Houston [14th Dist.] 1972, writ ref'd n.r.e.). An appellate body is not a fact finder and does not normally pass upon the credibility of witnesses or substitute its judgment for that of the trier of fact, even if the evidence would support a different result. Texas Workers' Compensation Commission Appeal No. 950084, decided February 28, 1995. Our review of the record reveals that the hearing officer's extent-of-injury determination is supported by sufficient evidence and that it is not so contrary to the overwhelming weight of the evidence as to be clearly

wrong or unjust. Thus, no sound basis exists for us to disturb that determination on appeal. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We likewise affirm his denial of the claimant's request for a change of treating doctors to a Florida physician. The record contains sufficient evidence to support a determination that the claimant can obtain proper medical care for her compensable injury in Texas and a change to a Florida physician was therefore not medically necessary

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

SUPERINTENDENT
(ADDRESS)
(CITY), TEXAS (ZIP CODE).

_____
Susan M. Kelley
Appeals Judge

CONCUR:

_____
Gary L. Kilgore
Appeals Judge

_____
Veronica Lopez
Appeals Judge