

APPEAL NO. 023052  
FILED JANUARY 24, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on October 30, 2002. The hearing officer determined that the respondent's (claimant) wrist injury was part of her \_\_\_\_\_, elbow injury, and that she had disability beginning May 13, 2002, and continuing through the date of the CCH.

The appellant (carrier) appeals these determinations as against the great weight and preponderance of the evidence. The claimant argues that there is sufficient evidence to support the hearing officer's decision.

DECISION

We affirm.

The primary focus of contention was the about two weeks after the claimant was injured at work jerking on a pallet jack that was stuck, she fell forward across her bed at home. The carrier was asserting that her left wrist was injured at this time. There was, however, conflicting medical evidence presented from the claimant's treating doctor, a doctor appointed by the Texas Workers' Compensation Commission, and a doctor for the carrier. It was the responsibility of the hearing officer to weigh and consider this evidence, and determine if the accident at home was the "sole cause" of resulting disability as well as assess whether it represented an independent, intervening incident. The claimant injured her dominant extremity and described her course of working light duty and then being taken off work.

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 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.). We do not agree that this is the case here, and affirm the decision and order.

The true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
800 BRAZOS, SUITE 750, COMMODORE 1  
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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Terri Kay Oliver  
Appeals Judge