

APPEAL NO. 030606
FILED 17, 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 was held on February 3, 2003, with the record closing on February 12, 2003. The hearing officer resolved the disputed issues by determining that the respondent's (claimant) _____, compensable injury extends to and includes the left shoulder, epicondylitis of the right elbow, and a further medical condition of the right elbow, and that the claimant had disability from February 24, 2001, through the date of the hearing. Subsequent to issuing the decision and order, the Texas Workers' Compensation Commission issued an Order on Motion to Correct Clerical Error, which reflected the following corrections relating to the dates in question: the claimant's _____, compensable injury extends to and includes the left shoulder, epicondylitis of the right elbow, and a further medical condition of the right elbow, and that the claimant had disability from _____, through the date of the hearing. The appellant (carrier) appeals these determinations. The claimant urges affirmance.

DECISION

Affirmed as reformed.

The carrier correctly points out that Finding of Fact No. 1 does not accurately reflect the identity of the carrier. Although the record is clear that the correct carrier is American Home Assurance Company and the heading of the Decision and Order reflects the accurate carrier, Finding of Fact No. 1 lists the carrier as The Insurance Company of the State of Pennsylvania. Finding of Fact No. 1 is hereby reformed to reflect that the carrier is American Home Assurance Company.

The disputed issues in this case involved factual questions for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established from the evidence presented. Nothing in our review of the record indicates that the hearing officer's decision is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The carrier asserts that the hearing officer erred in making the extent-of-injury determination because expert medical opinion was required to prove that the injury in question caused the "delayed condition." We disagree. Generally corroboration of an injury is not required and may be found based upon a claimant's testimony alone. Gee v. Liberty Mutual Fire Insurance Co., 765 S.W.2d 394 (Tex. 1989). Lay testimony is sufficient to establish causation where, based upon common knowledge, a fact finder could understand a causal connection between the employment and the injury, but

expert testimony may be required where such common knowledge does not exist. Texas Workers' Compensation Commission Appeal No. 941464, decided January 9, 1995. Given that the claimant testified as to the body parts injured in the accident and, while not necessarily required to support the extent-of-injury determination, the claimant's doctor testified that the alleged body parts and conditions were causally related to the October 23, 2001, injury, we perceive no error in the hearing officer's determinations in this regard.

The carrier quarrels with the hearing officer's recitation of the facts contained in the Statement of the Evidence. In Texas Workers' Compensation Commission Appeal No. 93791, decided October 18, 1993, an attack on the hearing officer's discussion of the evidence was considered. That appeal stated that the hearing officer was not required to recite the facts since the 1989 Act only requires findings of fact, conclusions of law, whether benefits are due, and an award of benefits due. A statement of evidence, if made, only needs to reasonably reflect the record. Our review of the record indicates that the Statement of the Evidence reasonably reflects the evidence in this case.

The decision and order of the hearing officer are affirmed as reformed.

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.**

Chris Cowan
Appeals Judge

CONCUR:

Daniel R. Barry
Appeals Judge

Gary L. Kilgore
Appeals Judge