

**ROMERO V. ZIA CO., 1966-NMSC-178, 76 N.M. 686, 417 P.2d 881 (S. Ct. 1966)**

**JOE O. ROMERO, Plaintiff-Appellant,  
vs.  
THE ZIA COMPANY, Employer and THE UNITED STATES FIDELITY &  
GUARANTY COMPANY, Insurer, Defendants-Appellees**

No. 7949

SUPREME COURT OF NEW MEXICO

1966-NMSC-178, 76 N.M. 686, 417 P.2d 881

September 06, 1966

Appeal from the District Court of Rio Arriba County, Scarborough, Judge

**COUNSEL**

CHACON & MELENDEZ, Espanola, New Mexico, Attorneys for Appellant.

SETH, MONTGOMERY, FEDERICI & ANDREWS, SUMNER G. BUELL, Santa Fe,  
New Mexico, Attorneys for Appellees.

**JUDGES**

WOOD, Judge, wrote the opinion.

WE CONCUR:

M. E. NOBLE, J., IRWIN S. MOISE, J.

**AUTHOR: WOOD**

**OPINION**

WOOD, Judge, Court of Appeals.

{1} Plaintiff appeals from a denial of workmen's compensation. All of the points on appeal relate to the issue of causal connection between disability and accident. The trial court found that plaintiff does not and has not suffered from any disability which, as a medical probability, is a natural and direct result of the claimed accident.

{2} Plaintiff's attack on this finding relies on the testimony of one medical witness. There were two other medical witnesses whose testimony conflicts with plaintiff's medical

witness on the questions of (1) any injury at all, (2) plaintiff's physical condition and (3) the cause of his present physical condition.

{3} The trial court resolved the conflicts in the medical testimony and determined the facts. Its findings of fact are supported by substantial evidence. Not having established the causal connection required by § 59-10-13.3(B), N.M.S.A. 1953, plaintiff cannot recover. See *Torres v. Kennecott Copper Corp.*, 76 N.M. 623, 417 P.2d 435, August 22, 1966.

{4} The judgment is affirmed.

{5} IT IS SO ORDERED.

WE CONCUR:

M. E. NOBLE, J., IRWIN S. MOISE, J.