

## APPEAL NO. 94092

This appeal arises under the Texas Workers' Compensation Act of 1989 (1989 Act), TEX. LAB. CODE ANN. § 401.001 *et seq.* On December 20, 1993, a contested case hearing was held in (city), Texas, with (hearing officer) presiding. He determined that appellant's (claimant) angina pectoris of (date of injury), was not a compensable injury. Claimant asserts that her treating doctor states her episode of angina was related to employment. Respondent (self-insured) states that the medical evidence does not show that the work was a substantial contributing factor as opposed to the underlying disease and asks for affirmance.

### DECISION

We affirm.

Claimant has taught school for 14 years. In December 1992, she had a myocardial infarction (MI) and angioplasty was performed to open an occluded artery. She returned to work in March 1993. She stated that on (date of injury), a fight broke out in one of her classes. In trying to restore order, she was jostled around, striking a wall. When the fight stopped, she went to the nurse's office where she felt chest pains and was sweating. Claimant testified that she was on medication and the nurse took her blood pressure, after which she advised her to call her doctor. She did. She then went to an emergency room where she was admitted to the hospital. Claimant testified that at the hospital she was advised to have angioplasty. She has not returned to work. She characterized this chest pain as similar to that which she had in 1992 when she had the MI. In 1992 she stated that one of her coronary arteries had been 98% blocked.

The evidence in this case contains no medical records from the claimant's hospital stay in (month year). An emergency room (ER) note of (date of injury), was admitted, showing claimant reported pain lasting one hour after having been involved in a fight, but it also says she is now "pain free" and "asymptomatic" at the ER. Her history of MI was recorded and she was admitted to the hospital. While several other exhibits, including a medical bill and one excerpt from a publication about coronary artery disease, were provided, additional, material medical evidence was limited to two letters from claimant's treating doctor, (Dr. E), and four pages of records from claimant's 1992 hospitalization for the MI at that time.

The two letters of Dr. E are dated November 12th and December 13, 1993. In the initial letter Dr. E noted claimant's history of MI in 1992 with "high grade single vessel coronary disease." He then stated that after the altercation in (month year) she had chest pain symptoms and elevated blood pressure "which simulated her previous presentation with infarction." Dr. E then said, "because of the concern about premature vascular disease in a young woman, she subsequently underwent repeat coronary angiography." In closing, Dr. E said claimant's employment "would seem to have at least provoked her problems in (month year), and the effects of the chronic stress she's been under may have significantly contributed to her problems with coronary disease."

Dr. E's second letter referred to claimant's chest pain in (month year) as "clearly had its onset during her involvement in a violent confrontation between two students . . . ." He then stated, "I believe this episode of angina was clearly related to the circumstances of her employment." He then referred to the possibility of future similar problems at work and advised against her present work.

Claimant disputes Finding of Fact No. 7 that said the work was not a substantial contributing factor, pointing out that Dr. E related the work to the angina. The hearing officer did not err in applying the criteria found in the 1989 Act for heart attacks (Section 408.008) to claimant's angina pectoris of (date of injury). See Texas Workers' Compensation Commission Appeal No. 92673, decided January 28, 1993. While the statements of Dr. E relate the work to the angina, Dr. E does not compare whether the "work rather than the natural progression of a preexisting heart condition or disease was a substantial contributing factor of the attack" (See Section 408.008(2)). Also see Texas Workers' Compensation Commission Appeal No. 93740, decided October 4, 1993, which said that a comparison of the effect of work and preexisting heart disease is key to the requirement of Section 408.008(2).

With no comparison made by medical evidence between the work and the disease, the hearing officer made that comparison based on the medical evidence available. While that medical evidence, as stated, related the work to the angina, it did not state that the angina was not related to the preexisting disease or that the relationship of the angina to the altercation was greater than its relationship to the disease. Dr. E even pointed out that angiography was done out of concern for her vascular disease, not concern in regard to the episode of angina pectoris.

The hearing officer is the sole judge of the weight and credibility of the evidence. See Section 410.165. His finding of fact that the work was not a substantial contributing factor and that the preexisting disease was a substantial contributing factor is sufficiently supported by the medical evidence. Without a compensable injury, there can be no disability under the 1989 Act. See Section 401.011(16). Unless the decision of the hearing officer is against the great weight and preponderance of the evidence, it will not be reversed on appeal. See In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951).

The decision is not against the great weight and preponderance of the evidence and is affirmed.

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Joe Sebesta  
Appeals Judge

CONCUR:

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Philip F. O'Neill  
Appeals Judge

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Lynda H. Nesenholtz  
Appeals Judge