

## APPEAL NO. 971288

On June 3, 1997, a contested case hearing (CCH) was held. The CCH was held under the provisions of the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). The issue at the CCH was whether the compensable injury sustained by the appellant (claimant) on \_\_\_\_\_, includes her seizures. The claimant requests review of the hearing officer's decision that her seizures are not part of her compensable injury. The respondent (carrier) requests affirmance.

### DECISION

Affirmed.

The parties stipulated that the carrier accepted liability for the claimant's back injury of \_\_\_\_\_. The claimant said that she felt back pain when lifting a case of water on that day at work. On February 9, 1994, the claimant underwent a lumbar myelogram, which was reported as normal; a lumbar CT scan, which was reported to be normal; and an abdominal CT scan, which showed a partial hernia. The claimant said that following her diagnostic testing, she developed a headache and nausea and went back to the hospital the next day. Dr. L noted that the claimant was admitted to the hospital with a diagnosis of post-myelogram headaches. The claimant said that while she was hospitalized she had a seizure and that she had not had a seizure prior to her hospitalization. The claimant underwent an electroencephalogram (EEG) on February 25, 1994, which showed generalized epileptogenic discharges without focal features. A CT scan of the claimant's head done on February 25, 1994, was reported to be normal. An EEG done on February 28, 1994, was reported to be abnormal.

Dr. L noted in the hospital discharge summary of March 1, 1994, that the claimant's headaches did not improve with medications, that the claimant had abdominal discomfort while in the hospital, that blood tests revealed elevated liver functions, that the claimant had had a suspected grand mal seizure while in the hospital, and that by the time of discharge the claimant was essentially asymptomatic. Dr. L's discharge diagnoses were post-myelogram headache, elevated liver functions, and seizure disorder of uncertain etiology. The claimant said that she has continued to have seizures, sometimes one every other day. Dr. L wrote on March 11, 1994, that the claimant no longer had any seizures, and Dr. G wrote on March 17, 1994, that the post-myelogram headache had resolved.

An EEG done on March 23, 1994, showed that the claimant had infrequent brief generalized epileptiform discharges and Dr. L reported on April 4, 1994, that the claimant had not had any seizures, but had headaches. Dr. L reported on April 28, 1994, that the claimant had not had any seizures and that her neurological examination was normal. He wrote that the claimant suffers from tension headaches. An EEG done on May 4, 1994, was reported to be essentially within normal limits, with a possible medication effect. Dr. L wrote on May 26, 1994, that he had no concrete answer for the reason for the claimant's seizures and that the claimant had not had any other seizures. On July 28, 1994, Dr. L

wrote that he had no definite explanation for the persistence of the claimant's neurological symptoms. An EEG done on August 2, 1994, was reported to be essentially normal, except for a mild medication effect.

Dr. L wrote on August 16, 1994, that his diagnosis of the claimant's condition was headaches with an unknown etiology and that the claimant had initially had post-myelogram headaches, but that he could no longer substantiate that diagnosis. Dr. L also wrote that the claimant has a seizure disorder, which first occurred during her hospitalization, and which may have been triggered by some of her medications, but that she had been off those medications long ago and that problem should have resolved a long time ago. Dr. W reviewed the claimant's medical records at the carrier's request and he wrote on August 23, 1994, that he did not think that the claimant's seizures have anything to do with her back injury or treatment. Dr. M began treating the claimant about November 1994 and he gave a diagnosis of "generalized seizure disorder, tonic clonic, probably secondary to reaction to myelogram dye." Dr. M continued to give the same diagnosis through 1995 and 1996, except that in October 1996 he diagnosed a "major motor seizure disorder, tonic clonic, probably secondary to reaction of myelogram dye." The claimant said that her current treating doctor is Dr. R, and Dr. R wrote in January 1997 that the claimant developed an active seizure disorder on February 10, 1994, while being investigated for symptoms related to her work-related back injury, and that it was apparently not directly related to the original injury. Dr. K examined the claimant at Dr. R's request, and Dr. K wrote in March 1997 that the claimant had a medical history of seizure disorder since 1994 "of unclear etiology."

The claimant's contention at the CCH was that her seizures resulted from the lumbar myelogram done on February 9, 1994, and/or from treatment she received for her post-myelogram headaches during her hospitalization in February 1994. Injuries caused by the proper or necessary medical treatment of a compensable injury are considered part of the compensable injury. Maryland Casualty Company v. Sosa, 425 S.W.2d 871 (Tex. Civ. App.-San Antonio 1968, writ ref'd n.r.e.). The claimant appeals the hearing officer's finding that her "diagnosed seizure disorder did not arise as a natural result of her compensable \_\_\_\_\_, injury or its treatment" and appeals the hearing officer's conclusion that her seizure disorder is not part of the compensable injury. The claimant asserts on appeal that the evidence shows that her seizure disorder resulted from the lumbar myelogram she underwent, which was done to investigate the scope of her compensable injury. The claimant contends that the hearing officer erred in finding that her seizure disorder did not arise from her treatment for her compensable injury. There is conflicting medical evidence as to the cause of the claimant's seizure disorder. The hearing officer is the judge of the weight and credibility of the evidence. Section 410.165(a). The hearing officer resolves conflicts in the evidence, including conflicts in the medical evidence, and may believe all, part, or none of the testimony of any witness. Texas Workers' Compensation Commission Appeal No. 950084, decided February 28, 1995. We conclude that the hearing officer's decision is supported by sufficient evidence and that it is not so contrary to the overwhelming weight of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

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Robert W. Potts  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Alan C. Ernst  
Appeals Judge