APPEAL NO. 990539

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 11, 1999. He (hearing officer) determined that the appellant (claimant) did not sustain a compensable injury in the form of an occupational disease; that the date of the claimed injury was _____; and that the claimant had good cause for failing to timely report the injury. The claimant appeals the determination that she did not sustain a compensable injury, contending that it was not factually or legally supported by the evidence. The respondent (carrier) replies that the decision is correct, supported by sufficient evidence, and should be affirmed. The determinations of the date of injury and good cause for lack of timely notice have not been appealed and have become final. Section 410.169.

DECISION

Reversed and remanded as to the appealed issue.

The claimant worked as a monitor and control technician for a telecommunications network. She said her job involved use of a monitor and the input of data by telephone, keyboard, and computer "mouse." She stated that her left hand-including the wrist, hand, and fingers-started hurting over a period of time and attributed this condition to the repetitive trauma associated with her data entry activities at work. Dr. R, the treating doctor, diagnosed left carpal tunnel syndrome (CTS) as a result of an initial visit on August 21, 1998. The claimant testified that the carrier denied the compensability of this claim and she was unable to afford further diagnostic testing, that no EMG had been done, and that she undertook physical therapy for as long as she could afford it. In an initial orthopedic evaluation on September 8, 1998, Dr. B diagnosed possible left CTS and requested an EMG and nerve conduction study.

The hearing officer commented in his decision and order and made a specific finding of fact that the "claimant has not presented expert medical evidence to causally link her [CTS] condition to her work activities." Finding of Fact No. 9. He also made an unappealed finding of fact that the claimant has left CTS. Finding of Fact No. 7. In her appeal of the finding that the claimant did not sustain a compensable injury, the claimant asserts that expert medical evidence was not essential to prove the causal connection between the work place and the CTS. Although a diagnosis of CTS must be based on expert medical evidence, we have routinely held that the cause of the CTS, or repetitive trauma wrist injury, can be established by the testimony of the claimant alone if found credible by the hearing officer. *See*, *e.g.*, Texas Workers' Compensation Commission Appeal No. 961008, decided July 1, 1996; Texas Workers' Compensation Commission Appeal No. 941077, decided September 26, 1994; and Houston I.S.D v. Harrison, 744 S.W.2d 298 (Tex. App.- Houston [1st Dist.] 1987, no writ). The hearing officer is,

nonetheless, allowed to consider medical evidence along with a claimant's description of work duties in determining whether causation has been proved.

In Texas Workers' Compensation Commission Appeal No. 962516, decided January 22, 1997, we reversed the decision of the hearing officer that the claimant failed to establish a causal connection between his CTS and his work "with adequate medical evidence" and remanded the case for further consideration in light of the existing principle of law that expert medical evidence is not required to establish causation in cases of a claimed CTS injury. In the case we now consider, the hearing officer appears to have improperly imposed on the claimant the burden of proving her case through expert medical evidence. For this reason, we reverse his determination that the claimant's CTS is not a compensable injury, and remand this issue for further consideration in light of this opinion.

Pending resolution of the remand, a final decision has not been made in this case. However, since reversal and remand necessitate the issuance of a new decision and order by the hearing officer, a party who wishes to appeal such new decision must file a request for review not later than 15 days after the date on which such new decision is received from the Texas Workers' Compensation Commission's Division of Hearings, pursuant to Section 410.202. *See* Texas Workers' Compensation Commission Appeal No. 92642, decided January 20, 1993.

_____
Alan C. Ernst
Appeals Judge

CONCUR:

_____
Susan M. Kelley
Appeals Judge

_____
Thomas A. Knapp
Appeals Judge