

APPEAL NO. 991643

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on July 9, 1999. The single issue at the CCH was whether the compensable injury extended to include a neck injury. The hearing officer determined that the compensable injury of \_\_\_\_\_, did not extend to or include a neck injury. The appellant (claimant) appeals, citing medical evidence that she argues shows that her current neck problems are a result of her original injury of \_\_\_\_\_. The respondent (self-insured) responds that there is sufficient evidence to support the decision of the hearing officer and asks that it be affirmed.

DECISION

Affirmed.

The Decision and Order of the hearing officer adequately and fairly set forth the evidence, both testimonial and medical, and it will only be briefly summarized here. The claimant sustained an injury on \_\_\_\_\_, when she tripped over a box. She stated that she landed on her hands and knees; hit her hip, shoulder, and chin; and was seen by a doctor that day. The report indicates x-rays were taken (negative results); that she was diagnosed with contusions to her knee, hip, and shoulders; and that she was returned to full duty. The claimant returned to work and some three weeks later was having severe headaches which were subsequently diagnosed and treated as sinusitis. The claimant stated that she began losing strength in her hands sometime in late 1996 and injured her thumb in picking up a notebook in January 1997. She was ultimately diagnosed with carpal tunnel syndrome (CTS) and underwent surgery on one arm. According to the claimant, and supported by some medical reports, she did not get relief in her right hand following surgery and it was ultimately decided that she never did have CTS. She stated that it was thought she had arthritis in her hand but that was later discounted. She stated that she was sent to a specialist who confirmed no CTS and thought her problem was neck-related. She is currently going to a chiropractor for treatment of her neck which has helped her.

Medical records show that the claimant had nerve conduction studies on January 28, 1998, which lists an impression of: "EMG and NCV of both upper extremities were all within normal limits. No evidence of entrapment neuropathy at the medial nerve at the wrist." An EMG study conducted on July 27, 1998, showed a final impression of: "EMG findings suspicious for a mild right C6 cervical radiculopathy." An April 30, 1999, "To Whom It May Concern" letter from a doctor at the clinic the claimant went to on \_\_\_\_\_, who indicates he did not see the claimant but did read the medical records, states that:

Patient has informed me that she since then [treatment at the clinic in June 1994] has some format of nerve injury and/or disc involvement to the C5-C6 area. Judging by the nature of the injury, and also the fall, this individual could have potentially injured the neck. Whether this would be totally related

to the injury and/or possibly any type of subsequent nerve injury is on speculation alone.

The hearing officer found that there was no causal connection between the claimant's cervical complaints or cervical condition and the injury sustained on \_\_\_\_\_. From our review of the evidence of record, there is clearly sufficient evidence to support this determination. Initially, there was a very lengthy hiatus between the indication of neck symptoms, or any injury to that area, and the incident of \_\_\_\_\_, which tends to discount a causal relationship and could so be considered by the hearing officer. Texas Workers' Compensation Commission Appeal No. 950712, decided June 16, 1995. In addition, the medical evidence tending to establish any link between the neck symptom and the incident of \_\_\_\_\_, was stated in speculative or only possibility terms. This evidence did not rise to the level of reasonable medical probability to show a causal relationship. Texas Workers' Compensation Commission Appeal No. 982649, decided December 23, 1998; Texas Workers' Compensation Commission Appeal No. 981591, decided August 28, 1998. Finding the evidence of record to sufficiently support the determinations of the hearing officer, the decision and order are affirmed.

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Stark O. Sanders, Jr.  
Chief Appeals Judge

CONCUR:

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Susan M. Kelley  
Appeals Judge

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Philip F. O'Neill  
Appeals Judge