

APPEAL NO. 991652

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 issues at the CCH were whether the respondent's (claimant) compensable injury (right knee) of _____, was a producing cause of her current bilateral carpal tunnel syndrome (CTS), and whether she was entitled to supplemental income benefits (SIBS) for the 11th and 12th compensable quarters. The hearing officer determined that the _____, compensable injury was a producing cause of claimant's current CTS, but that she was not entitled to SIBS for either the 11th or 12th compensable quarters. The appellant (carrier) appeals only the issue concerning the CTS, urging that the findings and conclusions on that issue are supported by no evidence or, alternatively, supported by insufficient evidence. The claimant responds that the evidence supports the hearing officer's determination regarding her CTS and asks that it be affirmed.

DECISION

Affirmed.

The Decision and Order of the hearing officer sets forth fairly and adequately the evidence on the issue appealed and it will only be briefly summarized here. Succinctly, the claimant sustained a compensable right knee injury in _____ which resulted in some three surgeries, including complete replacement of her knee in 1995. She testified, and medical records are not inconsistent, that she had to use a walker for a period of time, then two crutches for a period of time, then one crutch for a period of time, followed by using two types of canes. She testified that she developed CTS from the pressure in using the various stretch walking aids. Among the medical records in evidence are reports of her doctor treating her for the CTS, Dr. T. In a report dated August 26, 1998, Dr. T states that the claimant presents for evaluation of numbness in both hands for over a year. His physical examination states the claimant has "obvious discomfort with compression of the medial nerve with positive Tinel's and Phalen's signs." He states in his report that "I feel that the patient has severe [CTS] and it is related to use of her cane." Dr. K conducted EMG/NCV tests and indicated he found evidence of moderate to severe compressive median neuropathy in the wrist on the left and moderate on the right. In a report of September 24, 1998, Dr. T states the claimant is seen after having nerve conduction studies "that show severe [CTS]." Options for treatment included cortisone injections for temporary relief and a carpal tunnel release. He also again noted that the CTS was felt to be related to the use of a cane. A report from Dr. W dated January 28, 1999, states "I feel that she does have [CTS] in her hands and it can be exacerbated by using crutches, but of course, usually has some pre-existing component" and "I feel she may be coming to possible carpal tunnel releases because of the moderate to severe nature noted."

In a peer review report dated November 11, 1998, from Dr. S, the opinion is rendered that there was absolutely no evidence that the claimant has CTS based on any of the medical records supplied to him. Since there was no mention of any records from Dr.

T, Dr. K or Dr. W, and there was specific reference to other medical reports concerning the knee, it would appear that Dr. S may well not have had those records at the time of his review.

Based on the claimant's testimony and the medical records before him, the hearing officer found and concluded that the claimant had CTS and that it was causally related to the claimant's right knee injury, her ensuing surgeries, and use of devices made necessary by the injury and surgeries. Although there was some conflicting medical evidence as to whether the claimant had CTS as indicated in Dr. S's report, it was for the hearing officer to weigh the medical evidence and resolve such conflicts. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). We agree that medical evidence was needed to show that the claimant had CTS that was causally related to her 1992 injury. We conclude that there is sufficient evidence in the combined reports of Dr. T, Dr. K, and Dr. W to sufficiently support the determination of the hearing officer. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). And, although the specific words "reasonable medical probability" were not used, we have held that this is not necessary; rather, it is the sum and substance of the medical reports that must be evaluated in reaching that level. Texas Workers' Compensation Commission Appeal No. 991117, decided July 8, 1999. See also Texas Workers' Compensation Commission Appeal No. 961411, decided September 18, 1996. Under the circumstances presented, we conclude from our review that there is sufficient evidence to support the hearing officer's finding that the claimant's CTS is a natural and direct result of the knee injury and surgeries, and the use of the walking aid devices. See generally Texas Workers' Compensation Commission Appeal No. 991636, decided September 16, 1999.

Concluding there is sufficient evidence to support the findings and conclusions of the hearing officer and that there is no legal error, the decision and order are affirmed.

Stark O. Sanders, Jr.
Chief Appeals Judge

CONCUR:

Joe Sebesta
Appeals Judge

Thomas A. Knapp
Appeals Judge