APPEAL NO. 991700

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 20, 1999. The single issue at the CCH was whether the respondent (claimant) sustained a compensable injury in the form of an occupational disease. The hearing officer determined that the claimant sustained a left carpal tunnel syndrome (CTS) injury. The appellant (carrier) appeals urging that the evidence does not reflect sufficiently repetitive activity and the medical evidence does not support the alleged compensable injury. No response has been filed.

DECISION

Affirmed.

The claimant testified that she worked 45 hours a week and engaged in constant repetitive activity as an operations dispatcher, including computer data entry and doing accident and emergency reports. She stated she did key entry all the time and that on or about Injury 3, she started getting stiff in her neck, her hand developed tingling, and she lost feeling in her left hand. That night she experienced such pain that she went to an emergency room and then reported the injury the next day. She saw a Dr. M on November 20, 1998, who states in his report of that visit a clinical impression of CTS, left. She was taken off work and was referred for an Upper Extremity Nerve Conduction Velocity (UENCV) and Needle EMG Study and an MRI. The UENCV was read as abnormal, and the EMG was within normal limits. The left wrist MRI showed the median nerve had normal morphology and course throughout the carpal tunnel but the MR signal of the median nerve was subtly abnormal. Records indicate the claimant underwent physical therapy and took medication over the ensuing period. Claimant stated she was off work until April 15, 1999, at which time Dr. M certified her to be at maximum medical improvement with a 6% impairment rating. She testified that she went back to work for some three weeks but could not continue performing her duties because of the pain.

The claimant acknowledged sustaining a slip-and-fall injury in injury 1 the treatment for which included a tangential right wrist or hand injury, but the claimant did not recall any injury or treatment for a left wrist or hand injury. The carrier introduced some medical records from the injury 1 slip-and-fall injury which indicated a left wrist complaint. She was also involved in a motor vehicle accident in injury 2.

Carrier urges that there was insufficient evidence of repetitive activity to cause a repetitive trauma-type injury and that the medical evidence was not sufficient to show the alleged injury of CTS. We disagree with both propositions and note that the claimant testified, uncontradicted, about her repetitive activity leading to the pain, numbness, loss of strength, and tingling sensations in her left upper extremity which caused her to seek medical treatment. As we have previously stated, the testimony of a claimant alone, if believed, can establish a compensable injury. Texas Workers' Compensation Commission

Appeal No. 961823, decided October 30, 1996; Texas Workers' Compensation Commission Appeal No. 94070, decided February 24, 1994. Here, the claimant testified, and was obviously believed by the hearing officer, that her job involved continuous repetitive activity and that she developed the pain and other symptoms in her left extremity from her work. The symptoms were so pronounced that she sought medical attention and was subsequently diagnosed with CTS. That there was medical evidence of an earlier injury in injury 1/injury 2 involving the left wrist and that some of the tests performed in 1998 were read as normal does not compel a finding of no current CTS injury. Rather, this evidence only presented the hearing officer with factual issues. It was for the hearing officer to resolve any conflicts in the evidence and arrive at the facts in the case. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ); Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ); Section 410.168(a). From our review of the record and evidence, we cannot conclude that the determinations of the hearing officer were so against the great weight and preponderance of the evidence as to be clearly wrong or unjust. Employers Casualty Company v. Hutchinson, 814 S.W.2d 539 (Tex. App.-Austin 1991, no writ); Texas Workers' Compensation Commission Appeal No. 92083, decided April 16, 1992.

The decision and order of the hearing officer 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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Judy L. Stephens
Appeals Judge