

APPEAL NO. 991939

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 August 19, 1999. The issues involved whether the compensable right wrist injury of the appellant, who is the claimant, extended to the claimant's entire right upper extremity, her cervical area, and left upper extremity.

The hearing officer agreed that the claimant's entire right upper extremity condition was an extension of her right wrist injury. However, she found evidence insufficient to establish a causal connection of the right wrist to the claimant's left upper extremity and cervical area.

The claimant has appealed the determinations against her with regard to the left upper extremity and the cervical area. The respondent (carrier) responds by reciting facts in favor of the decision. There is no appeal of the favorable finding that claimant's right upper extremity problems are part of her injury.

DECISION

Affirmed.

The claimant was employed by (employer), where she constructed bobbins. The claimant sustained an undisputed right wrist injury on _____. She had right carpal tunnel release surgery in July 1996, and was off work until she returned in October or November 1996. Claimant said she was reassigned to another machine which actually involved working with more tools. She began to experience increasing pain in her right arm. Claimant said that it took two weeks for this pain to develop, but other medical records refer to her having been back at work in 1996 for only four days in November. By January 1997, she had also complained of pain in her left arm and neck to her doctor, Dr. BN. Dr. BN says that she attributed her left arm pain to her right arm injury and surgery because she had never had pain of this nature before. According to her current treating doctor, Dr. A, claimant had radiating pain into her neck from her right extremity. He also noted in 1998 that her left arm pains were likely the result of favoring her right arm and using her left arm more. The claimant was examined by Dr. B, as designated doctor, on February 13, 1997, who certified that she had reached maximum medical improvement on November 26, 1996, with an eight percent impairment rating. This related to her right wrist.

The claimant worked very few days throughout 1997. Dr. E, D.C., opined on July 8, 1998, that claimant's cervical myositis and left arm problems were the direct result of her right arm injury. He explained that this arose from increased use of the left arm.

Although the left extremity and neck pain arose after the claimant had returned to work, performing a different job, she chose to pursue those injuries as extensions of her right wrist injury. As such, those injuries had to be found by the hearing officer to come within the definition of injury set forth in Section 401.011(26):

Injury means damage or harm to the physical structure of the body and a disease or infection **naturally resulting from** the damage or harm. The term includes an occupational disease. [Emphasis added.]

Such evidence was clear for extension of the right wrist problems to the entire right extremity, but we cannot agree that the hearing officer erred by failing to find such a clear link between the right wrist and any neck or left arm injuries which chronologically arose after she had her right arm injury. The fact that a person may favor one extremity, and proceed to use their other arm more in the course of daily activities, will not establish that the opposite extremity injury is the "natural" result of an original injury to another region.

The decision of the hearing officer will be set aside only if the evidence supporting the hearing officer's determination is so weak or against the overwhelming weight of the evidence as to be clearly wrong or manifestly unjust. Atlantic Mutual Insurance Company v. Middleman, 661 S.W.2d 182 (Tex. App.-San Antonio 1983, writ ref'd n.r.e.). We cannot agree that this is the case here, and affirm her decision and order.

Susan M. Kelley
Appeals Judge

CONCUR:

Tommy W. Lueders
Appeals Judge

Judy L. Stephens
Appeals Judge