

APPEAL NO. 000837

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 March 24, 2000. The hearing officer determined that the appellant's (claimant) compensable left knee injury of \_\_\_\_\_, does not extend to include a follow-on injury in the form of a right side inguinal hernia claimant claimed he sustained while undergoing physical therapy (PT) on \_\_\_\_\_, \_\_\_\_\_, or any other date. The claimant appeals, urging that the testimony and medical evidence support a hernia injury which occurred while he was undergoing PT on \_\_\_\_\_. The respondent (self-insured) replies that the hearing officer's decision is supported by sufficient evidence and should be affirmed.

DECISION

Affirmed.

The claimant sustained a compensable left knee injury on \_\_\_\_\_. Following left knee surgery on January 6, 1997, the claimant's treating doctor, Dr. JM, prescribed PT. The claimant testified that on \_\_\_\_\_, his PT was supervised by Dr. SM, and he was instructed to jump up and down. The claimant said that when he finished jumping, he felt pain in his abdomen and reported this to Dr. SM. The claimant was later diagnosed with a right inguinal hernia. The claimant testified that the first time he told Dr. JM that his hernia was related to his PT was on \_\_\_\_\_. On cross-examination, the claimant admitted that at the benefit review conference he had insisted that his hernia occurred during PT on \_\_\_\_\_, relying on the date he was given by Dr. JM.

The first medical record which documents abdominal discomfort is that of Dr. K dated October 7, 1999. Dr. JM's records indicate that on November 17, 1999, palpation revealed an inguinal hernia. On November 30, 1999, the claimant gave Dr. JM a history of his inguinal hernia occurring during exercises being performed in the office, and Dr. JM referred the claimant to a doctor to determine whether the hernia was caused by post surgical rehabilitation exercises. The claimant was examined by Dr. S on December 21, 1999. Dr. S's records reflect a history of "burning or ripping in the right groin after lifting while doing physical therapy for an old Workers' Compensation injury." Dr. S diagnosed a right inguinal hernia by history due to physical therapy activity. On December 27, 1999, Dr. JM concluded that the claimant sustained an inguinal hernia on \_\_\_\_\_ while performing post surgical rehabilitation.

The carrier wrote Dr. JM a letter requesting clarification, since the claimant did not have an office visit on October 20, 1999. In a letter dated February 16, 2000, Dr. JM responded in pertinent part:

[The claimant] was performing plyometric exercises on or about \_\_\_\_\_. He did these less than ten times during that visit, then complained of his knee feeling different. [Dr. SM] instructed him at that time to discontinue that exercise.

[The claimant] did not report his symptoms of a right-sided hernia until 11/17/99. The 10/7/99 exam findings are related directly to specific complaints made by [the claimant] to [Dr. K] when I was out of the office. [Dr. K's] evaluation found no positive clinical findings for his complaints. Although some of his complaints involved abdominal symptoms, they were not related anatomically to the inguinal area.

The mechanism of injury as described by [the claimant] makes it likely that it occurred as he described. Possibly, at the time, he was concentrating on his knee symptoms and did not realize the significance of this unreported inguinal hernia. He did not, however, complain of his symptoms until 11/17/99, which were validated by my exam on that day. Also, he was unsure of the exact date of occurrence when he first reported the injury to me. [The claimant] worked very hard throughout his post surgical rehab program and followed all our directions diligently.

An injury that results from proper or necessary treatment for a compensable injury is itself compensable. Texas Workers' Compensation Commission Appeal No. 950938, decided July 24, 1995. Proper or necessary treatment may include physical therapy prescribed for the compensable injury. Appeal No. 950938, and Texas Workers' Compensation Commission Appeal No. 93861, decided November 15, 1993. The hearing officer, as fact finder, may believe all, part, or none of the testimony of any witness. The testimony of a claimant as an interested party raises only an issue of fact for the hearing officer to resolve. National Union Fire Insurance Company of Pittsburgh, Pennsylvania v. Soto, 819 S.W.2d 619, 620 (Tex. App.-El Paso 1991, writ denied). The hearing officer was the sole judge of the weight and credibility to be given the evidence. Section 410.165(a). He resolved contradictions in the evidence against the claimant and concluded that the claimant's right inguinal hernia was not caused by, nor did it naturally result from the physical therapy exercises that the claimant was undergoing to rehabilitate his left knee injury of \_\_\_\_\_. The hearing officer was not persuaded by the claimant's testimony, or the opinions of Dr. JM and Dr. S. When reviewing a hearing officer's decision we will reverse such decision only if it is so contrary to the overwhelming weight of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986). We find there was sufficient evidence to support the determination of the hearing officer that the claimant's compensable left knee injury of \_\_\_\_\_, does not extend to include a follow-on injury in the form of a right side inguinal hernia.

The decision and order of the hearing officer are affirmed.

Dorian E. Ramirez  
Appeals Judge

CONCUR:

Elaine M. Chaney  
Appeals Judge

Judy L. Stephens  
Appeals Judge