

APPEAL NO. 001343

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 May 22, 2000. The hearing officer determined that the respondent's (claimant) compensable injury included an injury to the left shoulder and wrist, but not the left elbow. The appellant (carrier) appeals the inclusion of the shoulder and wrist in the compensable injury, contending these determinations are against the great weight and preponderance of the evidence. The appeals file contains no response from the claimant. The finding that the compensable injury did not include the left elbow has not been appealed and has become final. Section 410.169.

DECISION

Affirmed.

The claimant worked as a carpenter. On _____, he caught his left hand between two shelves or shams. The carrier has accepted a left "hand" injury, which apparently was a finger fracture. The claimant testified that when the injury happened, he jerked his hand away, causing pain and an injury to the left wrist and shoulder. The left wrist condition that is the subject of this claim appears in the medical records variously as sprain/strain, ganglion cyst, and/or de Quervain's syndrome. The shoulder condition is apparently impingement syndrome.

The parties conceded at the CCH that the resolution of the extent-of-injury question depended essentially on the claimant's credibility in asserting the mechanism of the injury. The carrier stressed, both at the CCH and on appeal, that the initial treatment records do not mention a shoulder injury; that the employer's accident report, admittedly filled out by the employer, mentions only the finger injury; that the request of February 15, 2000, to change treating doctors does not mention a shoulder injury; that Dr. S mention of a shoulder injury is premised on the erroneous belief that the injury was from a fall; that Dr. K did not believe the complaints of left wrist and shoulder pain were related to the injury; and that a Dispute Resolution Information System note reflects that the claimant told a Texas Workers' Compensation Commission employee that his new treating doctor, Dr. F, told him that he did not have a shoulder injury.

Whether the claimant's compensable injury included an injury to his left wrist and shoulder presented a question of fact for the hearing officer to decide. Section 410.165(a) further provides that the hearing officer is the sole judge of the weight and credibility of the evidence. We agree with the parties that the issue on appeal is largely resolvable in terms of an evaluation of the claimant's credibility. The hearing officer found the claimant credible. There was other medical evidence that could be considered supportive of the position of either party. Under our standard of review, we find the evidence sufficient to support the hearing officer's determination of the extent of the compensable injury. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986).

For the foregoing reasons, we affirm the decision and order of the hearing officer.

Alan C. Ernst
Appeals Judge

CONCUR:

Tommy W. Lueders
Appeals Judge

Judy L. Stephens
Appeals Judge