

APPEAL NO. 001452

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 June 6, 2000. The issue in this case was whether the compensable injury of the appellant (claimant) sustained on _____, includes "permanent hair loss." The hearing officer determined this issue against claimant. The claimant appealed this adverse determination on sufficiency grounds. The respondent (carrier) responded that claimant suffered from an ordinary disease of life and that the Appeals Panel should affirm the decision and order.

DECISION

We affirm.

Claimant contends that the hearing officer erred in determining that his compensable injury did not include permanent hair loss. Claimant asserts that the medical evidence proved his claim and points to the medical evidence from Dr. R.

It is undisputed that claimant sustained a compensable injury on _____, when chemicals spilled onto claimant at work. The hearing officer summarized the facts in the decision and order. Briefly, claimant testified that chemicals fell on his head, chest and arm. Claimant washed the chemicals off and went to the emergency room that night. He testified that, since his injury, his hair grows back and then falls out again. Claimant said his hair did not fall out before his injury.

In an October 25, 1999, letter, Dr. R stated that claimant sustained a chemical burn from monohydrated dextrose, and that this left him "with a large area of alopecia in the mid vertex." Dr. R recommended mini-grafts to restore claimant's hair. Dr. K, the plastic surgeon claimant saw the day after his injury, wrote in a November 9, 1999, letter that "there is no medical probability that the cicatricial alopecia in the mid vertex (male pattern baldness) is causally connected to" the _____, injury. Dr. K noted that claimant did not sustain a burn to his scalp. DORLAND'S ILLUSTRATED MEDICAL DICTIONARY, p. 52 (27th ed.) defines cicatricial alopecia as irreversible hair loss associated with scarring. A _____, medical report from the emergency room states that "the head examination reveals a minimal area of burn over the nasal bridge and some scattered areas on the forehead." The "final diagnosis" is "first and second degree burns to the face and chest area." The scalp was not mentioned, even though the intake form states that claimant complained of burns to his "head," chest and face.

The applicable law and our appellate standard of review are set forth in Texas Workers' Compensation Commission Appeal No. 950537, decided May 24, 1995; Texas Workers' Compensation Commission Appeal No. 951959, decided January 3, 1996; Section 410.165(a); Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ); and Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer determined that: (1) chemicals spilled onto claimant at work on _____; (2) the chemicals did not cause damage to claimant's hair, skin or scalp "which prevents his hair from growing back"; and (3) claimant's injury does not include permanent hair loss.

In this case, the hearing officer weighed the evidence and noted that "the medical opinions are divided" regarding causation. The hearing officer stated that claimant did not prove that his hair loss resulted from the compensable injury. The medical evidence from Dr. K was somewhat confusing in that Dr. K mentioned "cicatricial alopecia" but then appears to attribute the hair loss to male pattern baldness. However, Dr. K stated that claimant did not have a burn to his scalp, which would mean that resulting scarring on the scalp is not likely. The hearing officer could have chosen to believe Dr. K's statement that there was no scalp burn. This issue involved a fact question for the hearing officer, which he resolved. Appeal No. 951959, *supra*. The hearing officer could decide to believe all, none, or any part of the evidence. He decided what weight to give to the evidence, including the medical evidence. Campos, *supra*. After reviewing briefs and the record, we conclude that the hearing officer's determination is not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain, *supra*.

We affirm the hearing officer's decision and order.

Judy L. Stephens
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Tommy W. Lueders
Appeals Judge