

APPEAL NO. 001728

On July 14, 2000, a contested case hearing (CCH) was held. The CCH was held under the provisions of the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* The hearing officer resolved the disputed issue by deciding that the appellant's (claimant) bilateral carpal tunnel syndrome (CTS) is not a result of the compensable injury sustained on _____. The claimant requests that the hearing officer's decision be reversed and that a decision be rendered in his favor. The respondent (carrier) requests that the hearing officer's decision be affirmed.

DECISION

Affirmed.

The claimant testified that on _____, he was standing on the upper part of a 17-foot extension ladder when the upper part of the ladder collapsed downward, that he held on to the ladder with his hands, that he hit the concrete floor standing up, and that he then fell forward onto the concrete floor while still holding the ladder with his hands. The parties stipulated that on _____, the claimant sustained a compensable injury to his shoulders, knees, left elbow, right foot, and neck. The claimant noted on his Employee's Notice of Injury or Occupational Disease and Claim for Compensation (TWCC-41) in February 1998 that the affected body parts were his upper extremities and right knee. The claimant said that his arms and hands were numb after the accident and that he told his treating doctor, Dr. P, that he had trembling in his hands. Dr. P referred the claimant to Dr. S for electrodiagnostic studies in June 1998 and Dr. S reported that the claimant has signs of bilateral CTS. With regard to the claimant's hands, Dr. S stated an impression of "bilateral hand pain, probably [CTS] and in combination with degenerative joint disease and traumatic fall." Dr. P referred the claimant to Dr. W who wrote in March 1999 that the claimant has polyarticular joint pain after a falling injury in December 1997 and stated an impression of bilateral CTS. Dr. P noted in February 2000 that the claimant has bilateral CTS.

Dr. O saw the claimant for a required medical examination in April 2000 and after examining the claimant and reviewing the claimant's medical records, Dr. O opined that "there is no real evidence from the medical records or from our evaluation that the carpal tunnel problem associated with his [the claimant's] hands was caused by the accident of _____," and that "diagnosis of [CTS] with pain in the hands are not associated with the fall."

Dr. G, the claimant's family physician, wrote in May 2000 that in _____, a few months before the claimant's work-related injury, the claimant complained to him about possibly having "carpal tunnel" in his left wrist, but that when he examined the claimant, the claimant did not seem to have much trouble with his hands. Dr. G stated that the claimant's hand symptoms in _____ could have been "carpal tunnel," but that in

Dr. G's opinion the claimant's "current pain in his hands is at least in part due to the significant trauma to his hands when he fell while holding onto the ladder."

The claimant had the burden to prove the extent of his compensable injury. There is conflicting evidence in this case with regard to the disputed issue of whether the claimant's bilateral CTS is a result of the compensable injury of _____. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 401.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence. The hearing officer found that the claimant's fall from the extension ladder on _____, did not cause or produce the claimant's bilateral CTS and concluded that the claimant's bilateral CTS is not a result of the compensable injury sustained on _____. We conclude that the hearing officer's decision is supported by sufficient evidence and that it is not so contrary to the overwhelming weight of the evidence as to be clearly wrong and unjust.

The hearing officer's decision and order are affirmed.

Robert W. Potts
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Tommy W. Lueders
Appeals Judge