

## APPEAL NO. 001784

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 July 13, 2000. The hearing officer determined that the appellant's (claimant) compensable injury was not a producing cause of the claimant's lumbar strain/sprain, left knee sprain, and left hip sprain problems. The claimant appeals this determination on sufficiency grounds. Respondent (carrier) responds that the Appeals Panel should affirm the hearing officer's decision and order.

### DECISION

We affirm.

Claimant contends the hearing officer erred in determining that claimant's \_\_\_\_\_ compensable injury to his ankle was not a producing cause of his lumbar strain/sprain, left knee sprain, and left hip sprain problems. Claimant asserts that his left ankle injury changed his walking pattern because he "compensated" for the ankle injury. Claimant contends that this caused an injury to develop to his back, left hip, and left knee.

The hearing officer discussed the facts in her decision. The applicable law and our standard of review are discussed in Texas Workers' Compensation Commission Appeal No. 980749, decided May 28, 1998. The question of whether a subsequent injury was caused by the compensable injury is one of fact to be decided by the hearing officer. Texas Workers' Compensation Commission Appeal No. 94067, decided February 28, 1994. Under certain circumstances an injury may be caused by an altered gait. Texas Workers' Compensation Commission Appeal No. 950512, decided May 16, 1995. However, a claimant must prove by reasonable medical probability that the follow-on injury was caused by the compensable injury. Texas Workers' Compensation Commission Appeal No. 951038, decided August 4, 1995.

The hearing officer considered whether claimant's \_\_\_\_\_, ankle injury is a producing cause of his knee, hip, and back problems. She determined that "[t]he medical records presented do not preponderate to show or otherwise establish that the claimant's ankle injury altered his gait, causing a follow on injury to his left knee, left hip, or lower back." There was evidence from claimant's treating doctor, Dr. W, that "a person with a severe ankle problem has an altered gait" and that, if not for the ankle injury, claimant would not have the additional claimed conditions. However, there was also evidence from Dr. S, dated in March 2000, and from Dr. R, dated in 1994, that claimant had a normal gait. Dr. S also said, "it is my opinion that there is no significant alteration in [claimant's] gait to result in the development of [the] orthopedic conditions involving the left knee, left hip, and [spine]." We have reviewed the record and the hearing officer's decision and we conclude that her determinations are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

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Judy L. Stephens  
Appeals Judge

CONCUR:

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Kathleen C. Decker  
Appeals Judge

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Kenneth A. Huchton  
Appeals Judge