APPEAL NO. 001979

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 July 27, 2000. The issues at the CCH were whether the appellant's (claimant) bilateral carpal tunnel syndrome (CTS) and depression were the result of the _____, compensable injury. The hearing officer determined the depression was part of the compensable injury, but the CTS was not. The claimant appealed the hearing officer's determination that the CTS was not a part of the compensable injury. The respondent (carrier) requests that the hearing officer's decision be affirmed.

DECISION

Affirmed.

The claimant sustained a compensable injury to her cervical and thoracic spine and shoulders on _____, when the left wheel of the vehicle she was driving collapsed, causing her to swerve to the left into oncoming traffic. Fortunately, she was beginning a left-hand turn at the time and was traveling at a low rate of speed. As a result of the accident and the injuries sustained in that accident she has developed depression, a determination which has not been appealed. In November 1999, the claimant was diagnosed as having mild median neuropathy in both wrists. The claimant alleges that the bilateral CTS is a result of having to turn the steering wheel of her vehicle forcibly to the right when the left wheel collapsed.

The claimant asserts that her family doctor, Dr. L, has related the CTS to her _____, accident. At the hearing, the claimant offered a letter dated July 24, 2000, from Dr. L which she believes establishes the causal connection between her accident and the CTS. The hearing officer found that there was no causal connection between the accident and the CTS, stating, in Finding of Fact No. 2:

> 2. The single incident stress to the Claimant's wrists on _____, did not cause or aggravate her bilateral [CTS].

The claimant argues that this finding of fact is against the great weight and preponderance of the evidence because she had not had any problems with her hands until after the accident. Chronology alone does not establish a causal connection between an accident and a later-diagnosed injury (Texas Workers' Compensation Commission Appeal No. 94231, decided April 8, 1994), but neither does a delayed manifestation nor the failure to immediately mention an injury to a health care provider necessarily rule out a connection. *See* Texas Employers Insurance Company v. Stephenson, 496 S.W.2d 184 (Tex. Civ. App.-Amarillo 1973, no writ). A claimant's testimony alone may establish that an injury has occurred. Houston Independent School District v. Harrison, 744 S.W.2d 298, 299 (Tex. App.-Houston [1st Dist.] 1987, no writ). Generally, lay testimony establishing a sequence of events which provides a strong, logically traceable connection between the event and the condition is sufficient proof of causation. Morgan v. Compugraphic Corp., 675 S.W.2d 729, 733 (Tex. 1984).

In Appeal No. 94231, *supra*, we held that the delayed manifestation of a prolapsed uterus, which was alleged to be the result of a fall some seven months earlier, presents a situation where linkage is beyond common experience, and medical evidence should be submitted which establishes the connection as a matter of reasonable medical probability, as opposed to a possibility, speculation, or guess. *See* Houston General Insurance Co. v. Pegues, 514 S.W.2d 492 (Tex. Civ. App.-Texarkana 1974, writ ref'd n.r.e.); Schaefer v. Texas Employers' Insurance Association, 612 S.W.2d 199 (Tex. 1980). Although this case is factually dissimilar, the reasoning in Appeal No. 94231, *supra*, holds true here as well. The hearing officer found that the evidence before him failed to establish that the bilateral CTS was caused by, aggravated by, or a naturally flowing result of the accident. We have reviewed the report from Dr. L, which the claimant relied upon at the hearing to establish a causal connection between the accident and the CTS, and find that the hearing officer's decision is not contrary to the great weight and preponderance of the evidence as to be manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer is the trier of fact and is the sole judge of the relevance and materiality of the evidence and of the weight and credibility to be given to the evidence. Section 410.165(a). While a claimant's testimony alone may be sufficient to prove an injury, the testimony of a claimant is not conclusive but only raises a factual issue for the trier of fact. Texas Workers' Compensation Commission Appeal No. 91065, decided December 16, 1991. The trier of fact may believe all, part, or none of any witness's testimony. Taylor v. Lewis, 553 S.W.2d 153 (Tex. Civ. App.-Amarillo 1977, writ ref'd n.r.e.); Texas Workers' Compensation Commission Appeal No. 93426, decided July 5, 1993. This is equally true regarding medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ).

Only were we to conclude, which we do not in this case, that the hearing officer's determinations were so against the great weight and preponderance of the evidence as to be manifestly unjust would there be a sound basis to disturb those determinations. In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951); Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986). Since we find the evidence insufficient to warrant the reversal of the determinations of the hearing officer, we will not substitute our judgment for his. Texas Workers' Compensation Commission Appeal No. 94044, decided February 17, 1994.

The decision and order of the hearing officer are affirmed.

Kenneth A. Huchton
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Gary L. Kilgore
Appeals Judge