

APPEAL NO. 002083

On August 8, 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) compensable injury of _____, does not extend to or include left carpal tunnel syndrome or left cubital tunnel syndrome. 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 had a left ulnar nerve release done in 1986. A 1987 EMG and nerve conduction study of the claimant's left upper extremity was normal.

It is undisputed that the claimant sustained a compensable injury on _____. The claimant testified that on that day the tip of the little finger on his left hand was crushed in a machine at work. The claimant said that he had pain in his little finger and that he eventually had pain in his left wrist and arm. The claimant underwent two surgeries on his little finger and then had stellate ganglion blocks for complex regional pain syndrome of the left upper extremity. On August 9, 1999, the claimant had an EMG and the EMG report noted left carpal tunnel syndrome and left cubital tunnel syndrome. Dr. E, the claimant's treating doctor, wrote that the injury to the left little finger resulted in a significant fingertip injury with a fracture and loss of soft tissue and that the injury to the little finger and treatment for that injury led to the development of the claimant's carpal tunnel syndrome and cubital tunnel syndrome. Dr. S, who examined the claimant at the carrier's request, wrote that the cubital tunnel syndrome is not causally related to the claimant's injury of _____. Dr. S noted that the claimant had not brought him all of his medical records.

The claimant had the burden to prove the extent of his compensable injury. The hearing officer found that the injury of _____, is limited to the tip of the little finger of the left hand and that the injury of _____, is not causally related to cubital tunnel syndrome or carpal tunnel syndrome. The hearing officer concluded that the compensable injury of _____, does not extend to or include left carpal tunnel syndrome or left cubital tunnel syndrome. The hearing officer is the judge of the weight and credibility of the evidence. Section 410.165(a). As the trier of fact, the hearing officer resolves conflicts in the evidence. 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:

Elaine M. Chaney
Appeals Judge

Robert E. Lang
Appeals Panel
Manager/Judge