

APPEAL NO. 002142

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 August 9, 2000. The hearing officer determined that the bilateral cataracts of the appellant (claimant) are not causally related to the compensable injury sustained on _____, and that claimant did not have disability. Claimant appealed these determinations on sufficiency grounds. Respondent (carrier) responded 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 the bilateral posterior subcapsular cataracts (PSCs) were not causally related to the _____, compensable injury. The applicable law regarding extent or scope of injury and our appellate standard of review are set forth in Texas Workers' Compensation Commission Appeal No. 001909, decided September 27, 2000.

In this case, it was stipulated that claimant sustained a compensable right hand injury on August 11, 1999. Claimant said his hand was burned during an electrical flash or explosion and that it was tender afterward. Claimant said he did not seek medical treatment for his hand, that it did not cause significant problems, and that his eyes were what bothered him after the injury. Claimant, who had been wearing safety goggles, said that his eyes felt like they were "on fire" after the electrical flash, and then they cleared up. However, he said he then began to develop the PSCs and vision problems and sought medical care for his eyes. There was medical evidence to support both claimant's and carrier's positions regarding causation. The hearing officer weighed the evidence and determined that the PSCs were not caused by the compensable injury. The matters claimant raises in his brief involved credibility and fact issues, which the hearing officer resolved. Appeal No. 001909. The hearing officer is the sole judge of the credibility of the evidence. After reviewing the evidence, we conclude that the hearing officer's determination is not so against the great weight and preponderance of the evidence as to be wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). Claimant contended that he had disability related to the claimed eye injury, not due to the hand injury. Because the hearing officer determined that the PSCs were not caused by the compensable injury, we conclude that the hearing officer's disability determination is not so against the great weight and preponderance of the evidence as to be wrong or manifestly unjust.

Claimant contends that Dr. J, an ophthalmologist, was not qualified to give an expert opinion regarding causation in this case. Claimant did not object on this ground at the hearing and the evidence from Dr. J was admitted without objection. The hearing officer

determined the weight and credibility of the evidence in this case. We perceive no abuse of discretion in the admission of the evidence from Dr. J.

We affirm the hearing officer's decision and order.

Judy L. Stephens
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Thomas A. Knapp
Appeals Judge