

## APPEAL NO. 002276

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 17, 2000. The hearing officer determined that the appellant (claimant) did not sustain a compensable injury and that she did not have disability. Claimant appealed these determinations on sufficiency grounds. Respondent (carrier) responded that the Appeals Panel should affirm.

### DECISION

We affirm.

Claimant contends the hearing officer erred in determining that she did not sustain a compensable occupational disease injury. Claimant apparently challenges this determination on sufficiency grounds. The applicable law regarding occupational disease injuries and our standard of review in this case are discussed in Texas Workers' Compensation Commission Appeal No. 000398, decided March 30, 2000.

Claimant testified that she sustained a compensable carpal tunnel syndrome (CTS) injury to her left hand due to repetitive computer work. In a January 2000 medical report, Dr. W stated that claimant had pain and weakness in both hands, left worse than right; that an EMG shows evidence of left CTS; that claimant said her workstation is not ergonomically safe; and that the diagnosis is CTS.

The hearing officer was the judge of the credibility of the witnesses and medical evidence. He considered whether claimant sustained an occupational disease injury to her left hand, and resolved this issue against claimant. There was evidence from Dr. M that claimant's left hand symptoms and condition are not work related. The hearing officer noted that claimant spent only 22% of her time typing on the computer. After reviewing the evidence, we conclude that the hearing officer's determinations are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Texas Workers' Compensation Commission Appeal No. 94107, decided March 10, 1994. Because there is no compensable injury, there can be no disability.

Claimant contends that the hearing officer's statement regarding whether claimant had a prior occupational disease injury is "inconsistent" with his current decision. The hearing officer noted that the decision in case number # stated that claimant sustained a compensable CTS injury with a date of injury of \_\_\_\_\_. The issue in that case was whether claimant "sustained an injury to her *hands* in the form of an occupational disease . . ." and the hearing officer determined the issue in claimant's favor. (Emphasis added.) In the case before us, claimant contends that if claimant had this prior bilateral CTS injury, then the hearing officer could not now determine that she did not sustain a compensable injury. However, claimant is now claiming a new CTS injury with a date of injury of \_\_\_\_\_. The determination that claimant did not sustain a new injury is not

inconsistent with the prior decision. We note that Section 408.021, the “lifetime medical benefits” provision, provides that an injured employee “is entitled to all health care reasonably required by the nature of the injury as and when needed.”

Claimant contends that the hearing officer erred in determining whether he sustained an aggravation injury because the issue was not raised. However, the issue of compensability was before the hearing officer and he properly determined whether claimant sustained a new aggravation injury. Appeal No. 94107.

We affirm the hearing officer’s decision and order.

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Judy L. Stephens  
Appeals Judge

CONCUR:

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Kenneth A. Huchton  
Appeals Judge

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Robert W. Potts  
Appeals Judge