

APPEAL NO. 002858

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act) based on the sufficiency of the evidence. On June 15, August 16, and November 1, 2000, a hearing was held. The hearing officer decided that the respondent's (claimant) compensable injury of _____, extends to and includes her neck and left hand conditions; that the claimant had disability from January 20, 2000, through April 9, 2000; and that the appellant (carrier) did not waive the right to contest the compensability of the claimant's left hand or neck conditions because it was not required to do so.

DECISION

The hearing officer's decision is affirmed.

The parties stipulated that on _____, the claimant sustained a compensable right wrist and hand injury while in the course and scope of her employment with (employer). The claimant, a registered nurse, testified to the extensive amount of data entry work she did on the computer for the employer during the time she was employed by the employer as a medical case manager, approximately 95% of her time on the job, and that after two right carpal tunnel release operations, her right upper extremity and cervical symptoms continued and worsened. There was conflicting medical evidence presented concerning whether the claimant's compensable injury extended to her neck and left hand problems. The hearing officer weighed the credibility and inconsistencies in the evidence and found for the claimant. While another hearing officer may well have found against the claimant on the injury and disability issues, the challenged determinations of these issues are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. *In re King's Estate*, 150 Tex. 662, 244 S.W.2d 660 (1951). The waiver issue was not appealed.

The decision and order of the hearing officer are affirmed.

Philip F. O'Neill
Appeals Judge

CONCUR:

Kenneth A. Huchton
Appeals Judge

Gary L. Kilgore
Appeals Judge