

APPEAL NO. 010080

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 December 15, 2000. With regard to the only issue before him, the hearing officer determined that the respondent's (claimant) compensable injury of _____, is a producing cause of the claimant's peripheral neuropathy.

The appellant (carrier) appeals, contending "that there was no [or insufficient] medical evidence" to support the hearing officer's decision and cites some Appeals Panel decisions which it asserts are analogous. The claimant responds, urging affirmance.

DECISION

Affirmed.

In Texas Workers' Compensation Commission Appeal No. 960197, decided March 5, 1996, the Appeals Panel affirmed another hearing officer's decision involving this claimant, in which the claimant had sustained a toxic chemical exposure occupational disease. It is noted that in that case, the claimant was asserting that the chemical exposure resulted in peripheral neuropathy. There is extensive medical evidence in this case and while Dr. K in a 1993 report was of the opinion that the claimant's medical condition was not work related, that issue was resolved in Appeal No. 960197. The hearing officer does a credible job of summarizing much of the voluminous medical evidence of more than a dozen doctors. Dr. C, one of the carrier's peer review doctors, in a February 1997 report discusses the medical literature and concludes that the claimant's "combined CREST [calcinosis, Raynaud's, esophageal symptoms, scleroderma and telangiectasia] syndrome and chemical injury will produce: . . . [p]eripheral neuritis" Another of the carrier's peer review doctors, Dr. M, in a December 17, 1999, report, concluded:

It is the conclusion of this examiner that based on my review of this patient's voluminous records, that there is no medical evidence to contraindicate a potential causal connection between her employment and exposure to organic solvent and her neuropathic process, which is clearly chronic, progressive and debilitating.

In his findings, the hearing officer specifically cites reports dated July 21 and October 18, 2000, from Dr. S, which the carrier says should be the only reports considered. We disagree in that the hearing officer obviously did a thorough review of all the records. Furthermore, Dr. S, in the July 21 report, states:

As it has been well known that the patient also carries the diagnosis of Crest syndrome and with multiple other symptomatology that she has relating to that, peripheral neuropathy is also one of the components of Crest syndrome

since otherwise the patient does not have any other etiology to explain the peripheral neuropathy.

We disagree with the carrier's contention that that report is so weak as to be "tantamount to *no evidence* for purposes of determining causation in the instant case." (Emphasis in the original.)

We find that the hearing officer's decision is supported by the evidence and it was not error for the hearing officer to find that the claimant's compensable injury was a producing cause of her peripheral neuropathy.

Accordingly, the hearing officer's decision and order are affirmed.

Thomas A. Knapp
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Robert W. Potts
Appeals Judge