

APPEAL NO. 010351

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 September 5, 2000. The hearing officer held that the appellant's (claimant) bilateral carpal tunnel syndrome and lumbar strain were direct and natural results of her compensable injury. There were no specific findings on the other two regions contained in the issue, however, and the Appeals Panel affirmed the regions determined by the hearing officer and remanded for findings on the alleged sternum and right shoulder injuries. Texas Workers' Compensation Commission Appeal No. 002312, decided November 15, 2000.

The hearing officer held that damage and physical harm to the sternum and right shoulder were not proven by the claimant and, consequently, that her compensable injury did not extend to those regions. The claimant has appealed this decision, and the respondent (carrier) responds, asking that the decision be affirmed.

DECISION

We affirm the hearing officer's decision.

The hearing officer's decision gives a thorough summary of the facts.

The hearing officer did not err in determining that the claimant's injury did not extend to her sternum and right shoulder. We note that he was required only to consider medical evidence and testimony given at the CCH, and matters that have been developed since that date cannot be considered. As we noted in our previous decision, at the CCH the claimant agreed that no diagnosis of a sternum injury had been made. As the hearing officer points out, objective testing (an MRI) was essentially normal for the right shoulder. The hearing officer's decision should not be set aside on these matters absent a great weight and preponderance of evidence to the contrary. In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951). The hearing officer is not required to find that items listed as

diagnoses actually occurred. We cannot agree that the hearing officer did not have support for his decision in the record, and we affirm his decision and order.

Susan M. Kelley
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Robert E. Lang
Appeals Panel
Manager/Judge