

APPEAL NO. 011818
FILED SEPTEMBER 18, 2001

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 June 28, 2001. The hearing officer resolved the disputed issue by determining that the respondent's (claimant) compensable injury of _____, extends to and includes carpal tunnel syndrome (CTS) in the right hand. The appellant (carrier) appealed, protesting that the claimant was attempting to change her theory of recovery to incorporate new, noncompensable symptoms. The claimant responded, urging affirmance.

DECISION

Affirmed.

The hearing officer did not err in finding that the claimant's right-hand CTS was part of her compensable injury. It is undisputed that the claimant sustained a compensable injury on _____. The claimant was diagnosed at the time as having a right-hand strain, which the carrier accepted.

The claimant treated with a chiropractor for several months, but her injury did not resolve. On January 8, 2001, the claimant sought treatment from a medical doctor who noted loss of function of the ulnar and median nerve, and requested an EMG. The EMG confirmed that the claimant had CTS and cubital tunnel syndrome (CuTS) of the right upper extremity. A carrier-requested required medical examination (RME) was performed on June 6, 2001, and the RME doctor found that the claimant had CuTS, median tunnel syndrome, and pronator syndrome. In his report, the RME doctor states, "Frequently, these are overuse syndromes and the [claimant] was involved in repetitive-type tasks prior to the event of tugging on the large pans. Typically, these syndromes are not brought on by a single-tug event. In her situation, she was working for this company during the time when the repeated activities would occur and I will leave it to the hearing officer to decide which event is the one that gets paid for."

Whether an injury extends to a particular member of the body, is a factual matter for the hearing officer to determine. We would caution that while chronology alone does not establish a causal connection between an accident and a later-diagnosed injury (Texas Workers' Compensation Commission Appeal No. 94231, decided April 8, 1994), neither does a delayed manifestation, nor the failure to immediately mention an injury to a health care provider, necessarily rule out a connection. See Texas Employers Insurance Company v. Stephenson, 496 S.W.2d 184 (Tex. Civ. App.-Amarillo 1973, no writ). Generally, lay testimony establishing a sequence of events which provides a strong, logically traceable connection between the event and the condition is sufficient proof of causation. Morgan v. Compugraphic Corp., 675 S.W.2d 729, 733 (Tex. 1984).

The hearing officer could believe that the continuance of the claimant's purported hand strain was a reflection of the condition that was ultimately diagnosed by a medical

doctor and explained in terms of the full range of what the claimant did on the job, over time, as opposed to the single incident of her first manifestation of the hand problem. An employee must prove, by a preponderance of the evidence, the compensability of an occupational disease. Texas Workers' Compensation Commission Appeal No. 960582, decided May 2, 1996, citing Schaefer v. Texas Employers' Insurance Association, 612 S.W.2d 199 (Tex. 1980). "[O]ne must not only prove that recurring, physically traumatic activities occurred on the job, but must also prove that a causal link existed between these activities on the job and one's incapacity; that is, the disease must be inherent in that type of employment as compared to employment generally." Texas Workers' Compensation Commission Appeal No. 950868, decided July 13, 1995, citing Davis v. Employers Insurance of Wausau, 694 S.W.2d 105 (Tex. App.-Houston [14th Dist.] 1985, writ ref'd n.r.e.).

We cannot agree that there is no probative evidence concerning the repetitive nature of the claimant's work. The hearing officer judged the evidence, including the evidence of the claimant's prolonged symptoms and her earlier experience of a similar episode, and his decision is based on sufficient evidence. Nothing in our review of the record indicates that the challenged determinations are so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986). The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **FIREMAN'S FUND INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**DOROTHY C. LEADERER
1999 BRYAN ST.
DALLAS, TEXAS 75201.**

Susan M. Kelley
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Michael B. McShane
Appeals Judge