

APPEAL NO. 012214
FILED OCTOBER 30, 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 (CCH), consolidating the two docket numbers above, was held on August 27, 2001. In Docket No. 1 (the _____, injury), involving respondent carrier (carrier A), the issue was: whether the compensable injury sustained on _____, included bilateral carpal tunnel syndrome, radial tunnel syndrome, and/or right lateral humeral epicondylitis? In that case, the hearing officer determined that the respondent's (claimant) _____, compensable injury did not include bilateral carpal tunnel syndrome (CTS), radial tunnel syndrome, and/or right lateral humeral epicondylitis. In Docket No. 2 (the _____ injury), involving appellant carrier (carrier F), the issues were: 1) Did the claimant sustain a compensable repetitive trauma injury with an injury date of _____? and 2) If the claimant sustained a compensable repetitive trauma injury with an injury date of _____, what is the extent of the injury? In this instance, the hearing officer determined that the claimant sustained a compensable repetitive trauma injury with an injury date of _____, and the compensable injury extended to and included bilateral CTS, right radial tunnel syndrome, and right lateral humeral epicondylitis.

Carrier F appeals, arguing that the evidence is insufficient to support the hearing officer's determinations. Specifically, carrier F argues that nerve conduction studies showed that the claimant did not have bilateral CTS, right radial tunnel syndrome, and right lateral humeral epicondylitis. Further, carrier F notes that the claimant's treating doctor wrote in May of 2001, that the claimant's wrist problems were an exacerbation of her earlier, _____, compensable injury and should be covered by carrier A. In its response, carrier A urges that the hearing officer be affirmed in all respects as the decision is supported by the medical report and testimony of Dr. P, as well as by the claimant's testimony and the report of two other doctors, Dr. E and Dr. C, who appear to concur that the claimant's conditions stem from her _____, injury. There is no response in the file from the claimant.

DECISION

Affirmed.

THE _____ INJURY

The record supports the hearing officer's determination that the claimant's _____, compensable injury did not extend to and include bilateral CTS, radial tunnel syndrome or right lateral humeral epicondylitis. The claimant testified, and the medical records support, that the problems she had in _____ were most serious in her wrists, particularly her right wrist. The diagnosis of her injury then was right wrist tenosynovitis or tendonitis and de Quervain's, along with some undefined, minor injury to

her left wrist. The claimant also testified that she had never experienced pain in her elbow, shoulder or neck at any severity like that pain she experienced _____ even though she'd had some symptoms in her arms since her _____, injury.

THE _____ INJURY

Ample evidence in the record supports the hearing officer's determination that the claimant sustained a compensable repetitive trauma injury on _____. The claimant testified as to the specifically repetitive nature of her job duties, as well as to the onset of debilitating pain in her right elbow on _____. Dr. P testified that the claimant's symptomology since _____, is suggestive of a new injury unrelated in any manner to her complaints and conditions of the _____, injury. Also, Dr. P testified that the claimant's conditions from _____, did not include her elbow and had resolved by, at the latest, _____ of _____, possibly because of her physical therapy after that injury.

The hearing officer correctly determined the extent of the _____, injury. Dr. P testified, and Dr. E wrote in his examination notes of October 13, 2000, that the claimant now has right CTS, right ulnar neuritis, cubital tunnel syndrome, recurrent right tendonitis, de Quervain's and a left thumb muscle strain. Carrier F introduced nerve studies dated November 7, 2000, and June 1, 2001, which it alleged showed none of the conditions diagnosed by Dr. E. Dr. P testified, conversely, that those nerve studies are not as determinative of the claimant's actual diagnosis as are clinical findings from a patient examination.

There was conflicting medical evidence submitted on the disputed issues. Section 410.165(a) provides that the hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as of the weight and credibility that is to be given the evidence. It was for the hearing officer, as trier of fact, to resolve the inconsistencies and conflicts in the evidence. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). This is equally true regarding medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). The trier of fact may believe all, part, or none of the testimony of any witness. Aetna Insurance Company v. English, 204 S.W.2d 850 (Tex. Civ. App.-Fort Worth 1947, no writ). 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.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier, in Docket No. 1 is **ATLANTIC MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**NICHOLAS PETERS
12801 NORTH CENTRAL EXPRESSWAY, SUITE 100
DALLAS, TEXAS 75243-1732.**

The true corporate name of the insurance carrier in Docket No. 2, is **FEDERAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**PARKER RUSH
1445 ROSS, SUITE 4200
DALLAS, TEXAS 75202.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Susan M. Kelley
Appeals Judge