

APPEAL NO. 012275  
FILED OCTOBER 9, 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) was held on July 23, 2001. Three cases involving this appellant (claimant) were combined into two CCHs held on the same day, and the hearing officer issued three separate decisions. The first CCH related to an alleged back injury and was conducted separately. The second CCH combined issues, as explained below. The claimant timely submitted an appeal addressing the case which pertained to his left upper extremity, specifically listing Docket No. 1. The respondent (carrier) responded, taking the position that the claimant erroneously listed the docket no. as Docket 1, when his appeal addressed Docket No. 2 (now Docket No. 2). We disagree. Under the circumstances, we hold that the claimant's appeal actually addresses the issues decided in both of those cases. Docket No.1 had an issue of whether the claimant had a compensable injury to his left upper extremity in the form of an occupational disease. Docket No. 2 had an issue of whether the claimant's compensable injury (repetitive trauma injury to his right hand and wrist) extended to and included a left wrist injury (carpal tunnel syndrome (CTS)). The claimant stated that he is "appealing this case because the severe pain that I currently have on my left arm, left hand and left wrist was caused by an injury at [employer]." Since these two cases were combined in one CCH, the claimant could understandably be confused about procedural requirements, and we will resolve any doubt in the claimant's favor and treat this as an appeal of both cases. With respect to the disputed issues in this case (Docket No. 2), the hearing officer determined that the claimant's compensable injury does not extend to and include left-wrist injury (CTS) and that the claimant did not have disability from December 6, 2000, through the date of the CCH. The carrier responded, urging affirmance. The hearing officer's determinations that the employer did not tender a bona fide offer of employment to the claimant and that the claimant had disability (due to the compensable injury) from April 20, 2000, through May 15, 2000, have not been appealed.

DECISION

Affirmed.

"Compensable injury" is defined in Section 401.011(10). It is undisputed that the claimant sustained a compensable repetitive trauma injury to his right hand and wrist. The issue before the hearing officer regarded the extent of the compensable injury. Conflicting evidence was presented regarding the extent of the compensable injury. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established from the evidence presented. The weight to be given to the claimant's testimony and the conflicting medical opinions was for the hearing officer to determine as the finder of fact. We have held that the question of the extent of injury is a question of fact for the hearing officer. Texas Workers' Compensation Commission Appeal No. 93613, decided August 24, 1993. The hearing officer's decision

that the claimant's compensable injury does not extend to and include a left-wrist injury (CTS) is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **LIBERTY MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**C.T. CORPORATION SYSTEM  
350 NORTH ST. PAUL, SUITE 2900  
DALLAS, TEXAS 75201.**

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Michael B. McShane  
Appeals Judge

CONCUR:

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Susan M. Kelley  
Appeals Judge

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Gary L. Kilgore  
Appeals Judge