

APPEAL NO. 012512  
FILED NOVEMBER 26, 2001

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). Following a contested case hearing held on September 20, 2001, the hearing officer resolved the disputed issue by determining that the respondent's (claimant) compensable injury of \_\_\_\_\_, extends to and includes cubital tunnel syndrome in her right elbow. The appellant (self-insured) appeals that determination on evidentiary insufficiency grounds. The self-insured also asserts error in the hearing officer's admitting into evidence as hearing officer exhibits reports of electrodiagnostic studies dated October 2000 and August 2001. The claimant's response urges the sufficiency of the evidence to support the hearing officer's determination.

DECISION

Affirmed.

The parties stipulated that on \_\_\_\_\_, the claimant sustained a compensable injury to her right hand/wrist, right arm, neck, and low back. The claimant testified that she sustained her injuries at work when she sat down and, unaware that a coworker had moved her chair, fell on her buttocks. She said her arms extended in an attempt to break her fall and that her right arm ended up beneath her. She stated that most of her initial pain was in her neck and back but that within days her entire right arm became numb and cold, and that her family doctor referred her to Dr. P, an orthopaedic specialist, who diagnosed right cubital tunnel syndrome. The claimant further testified that she underwent right carpal tunnel surgery in April 2001 and that Dr. A wants to perform right cubital tunnel surgery. The hearing officer did not err in finding that the claimant's compensable injury extends to and includes her right cubital tunnel syndrome. In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951); Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986). The claimant's evidence sufficiently supports this determination. Dr. P's June 3, 1998, report states his impression as **post-traumatic** cubital tunnel syndrome.

The hearing officer did not err in admitting the electrodiagnostic study reports. Neither party had offered these documents and when the hearing officer became aware of their existence during the hearing, he advised the parties that he felt he needed to see what these reports stated and asked the claimant to obtain them and provide both the hearing officer and the self-insured with copies. The hearing officer further stated that he would hold the record open for receipt of these documents and that he would make a decision on inviting comment from the parties after he reviewed the documents. The self-insured voiced no objection to the hearing officer's planned procedure at the hearing. The two reports are limited to electrodiagnostic data and contain no reference whatsoever to the issue of causation. The hearing officer is charged with ensuring the preservation of the rights of the parties "and the full development of facts required for the determinations to be made." Section 410.163(b). We are satisfied that the hearing officer did not abuse his

discretion in calling for the production of the two reports and in admitting them into the record. Morrow v. H.E.B., Inc., 714 S.W.2d 297 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**SELF-INSURED  
ADDRESS  
(CITY), TEXAS (ZIP CODE).**

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Philip F. O'Neill  
Appeals Judge

CONCUR:

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Susan M. Kelley  
Appeals Judge

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Robert E. Lang  
Appeals Panel  
Manager/Judge