

APPEAL NO. 013134
FILED FEBRUARY 5, 2002

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 November 12, 2001. The hearing officer resolved the issues before her by determining that appellant's (claimant) compensable injury of _____, does not include paresthesia of the arms and legs, cephalgia, major depressive disorder, and chest pain. The hearing officer also determined that claimant did not have disability due to the _____, compensable injury, for the period from February 2, 2001, through the date of the hearing. Claimant appealed the determinations as to depression and disability on sufficiency grounds. Claimant further asserts that because respondent (carrier) signed a Benefit Dispute Agreement (TWCC-24) on February 14, 2001, accepting a chemical exposure injury, they should therefore be estopped from contesting paresthesia of the arms and legs, cephalgia, and chest pain because these are all symptoms of the accepted injury. Carrier responded, urging affirmance.

DECISION

We affirm.

On appeal, claimant asserts that the paresthesia of the arms and legs, cephalgia, and chest pain are all mere symptoms of the chemical exposure injury carrier accepted via the February 14, 2001, agreement. However, the issue stated and agreed to by the parties at the hearing was, "Does the compensable injury of _____ include paresthesia of arms and legs, cephalgia (headaches), major depressive order, and chest pain?" While claimant made the argument that these were symptoms of the accepted injury, and that extent of injury was not involved, the issue was stated and litigated as one of extent. In its Payment of Compensation or Notice of Refused/Disputed Claim (TWCC-21), carrier accepted the rash, but disputed everything else related to this compensable injury. The hearing officer did not err in addressing this issue as one of extent, despite the February 14, 2001, agreement. See Texas Workers' Compensation Commission Appeal No. 980279, decided March 26, 1998.

There was conflicting medical evidence presented. In support of his position, claimant submitted medical records from several doctors who opined that claimant's medical conditions were most likely caused by chemical exposure. Carrier presented medical evidence which indicated that claimant's current medical condition, including the conditions claimant labels "symptoms," were not related to the compensable injury. Additionally, carrier presented medical records that indicate that claimant had prior problems with insomnia, fatigue, anxiety, depression, weight loss, upper and lower extremity problems, and low back problems. The hearing officer determined that claimant failed to prove that his compensable chemical exposure injury included the disputed medical conditions. We conclude that this determination is not so against the great weight and preponderance of the evidence so as to be clearly wrong or manifestly unjust. Cain

v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

Regarding disability, it was previously determined that claimant did have a period of disability. However, the hearing officer could find from the evidence that claimant did not have disability beyond February 1, 2001. See Texas Workers' Compensation Commission Appeal No. 981739, decided September 10, 1998 (Unpublished).

We affirm the hearing officer's decision and order.

According to information provided by carrier, the true corporate name of the insurance carrier is **AMERICAN EMPLOYERS' INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**C.J. FIELDS
5910 NORTH CENTRAL EXPRESSWAY, SUITE 500
DALLAS, TEXAS 75206.**

Judy L. S. Barnes
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Terri Kay Oliver
Appeals Judge