

APPEAL NO. 020077
FILED FEBRUARY 21, 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 27, 2001. The hearing officer determined that the respondent's (claimant) compensable injury includes or extends to include myalgia, myositis, polymyalgia rheumatica, muscular wasting, and disuse atrophy. The appellant (self-insured) appealed, arguing that the hearing officer's extent-of-injury determinations are erroneous. The claimant and respondent Dr. H, the sub-claimant, did not file responses.

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable bilateral carpal tunnel syndrome (CTS) injury on _____. The claimant testified that he was employed as a research specialist for the employer and that he typed data into the computer. The claimant testified that he had shooting pains from his hands to his shoulders. Dr. H's initial report of _____, reflected the diagnoses of CTS; myalgia and myositis, unspecified; muscular deconditioning; and, de Quervain's tenosynovitis. Dr. H's report of August 22, 2000, reflected the diagnoses of CTS; myalgia and myositis, unspecified; tenosynovitis; polymyalgia rheumatica; muscular wasting, and disuse atrophy; and, "other post surgical status." The medical records reflect that the claimant underwent a right carpal tunnel release surgery on July 11, 2000, and left carpal tunnel release surgery on September 5, 2000, by Dr. P.

The claimant had the burden to prove by a preponderance of the evidence that his compensable injury of _____, extends to and includes myalgia, myositis, polymyalgia rheumatica, muscular wasting, and disuse atrophy. Johnson v. Employers Reinsurance Corporation, 351 S.W.2d 936 (Tex. Civ. App.-Texarkana 1961, no writ). Extent of injury is a question of fact. Texas Workers' Compensation Commission Appeal No. 93613, decided August 24, 1993. Section 410.165(a) provides that the contested case 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 of the evidence. As the trier of fact, the hearing officer resolves the conflicts and inconsistencies in the evidence. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). We are satisfied that the challenged determination is not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951).

The self-insured's contention that there is insufficient evidence to prove that each of the medical conditions additional to CTS constituted an occupational disease in its own right is not meritorious. We do, however, agree with the self-insured's contentions

concerning the extensive discussion and findings on the dates of the self-insured's contests of the compensability of various conditions not involved in the disputed issue in this case. We disregard them as superfluous. See Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 124.3(c) (Rule 124.3(c)) effective March 13, 2000, and Texas Workers' Compensation Appeal No. 000784, decided May 30, 2000, and Texas Workers' Compensation Appeal No. 001105, decided June 30, 2000.

The decision and order of the hearing officer are affirmed.

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

For service in person the address is:

**RON JOSSELET, EXECUTIVE DIRECTOR
STATE OFFICE OF RISK MANAGEMENT
300 W. 15TH STREET
WILLIAM P. CLEMENTS, JR. STATE OFFICE BUILDING, 6TH FLOOR
AUSTIN, TEXAS 78701.**

For service by mail the address is:

**RON JOSSELET, EXECUTIVE DIRECTOR
THE STATE OFFICE OF RISK MANAGEMENT
P.O. BOX 13777
AUSTIN, TEXAS 78711-3777.**

Philip F. O'Neill
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Chris Cowan
Appeals Judge