

APPEAL NO. 020127  
FILED MARCH 4, 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 (CCH) was held on December 17, 2001. The hearing officer resolved the disputed issues by deciding that the appellant (claimant) sustained a compensable repetitive trauma injury and that the claimant had disability from \_\_\_\_\_, through the date of the CCH. The claimant appeals the hearing officer's Finding of Fact No. 2 wherein the hearing officer found that the claimant sustained a repetitive trauma injury, in the form of bilateral carpal tunnel syndrome (BCTS), in the course and scope of employment. The claimant contends that the hearing officer erred in making a finding that specifically limited her repetitive trauma injury to BCTS because the extent of the repetitive trauma injury was not an issue. In the alternative, the claimant contends that the hearing officer erred in limiting her repetitive trauma injury to BCTS because the claimant asserts that the evidence supports a finding that the repetitive trauma injury extends not only to BCTS, but also to an ulnar nerve entrapment at the right elbow and a trigger point condition of her right middle finger. No response was received from the carrier.

DECISION

As reformed herein, the hearing officer's decision is affirmed.

The only issues before the hearing officer were whether the claimant sustained a compensable repetitive trauma injury and whether the claimant has had disability. There was no issue regarding the extent of the injury. The carrier has not appealed the hearing officer's determinations that the claimant sustained a compensable repetitive trauma injury and that the claimant has had disability from \_\_\_\_\_, through the date of the CCH, nor has the carrier appealed the hearing officer's finding that the claimant sustained a repetitive trauma injury in the form of BCTS. We are not inclined to simply strike that portion of Finding of Fact No. 2 that refers to BCTS because that could result in the claimant's not receiving timely medical treatment for that condition should a dispute result from such action, especially in light of the fact that the carrier has not appealed. While there is evidence that the claimant has been diagnosed as having right ulnar nerve neuropathy and trigger finger of the right middle finger, we are not inclined to simply add those conditions to the injury finding because extent of injury was not an issue. And, although the claimant testified that her injury includes both wrists, the middle finger of her right hand, and the ulnar nerve, we cannot say that an extent-of-injury issue was actually litigated. Since there was no disputed issue regarding the extent of the claimed repetitive trauma injury, we do not read Finding of Fact No. 2 to specifically limit the repetitive trauma injury to include only BCTS. See Texas Workers' Compensation Commission Appeal No. 001239, decided July 13, 2000. Our solution is to reform Finding of Fact No. 2 to state: "Claimant sustained a repetitive trauma injury in the course and scope of her employment, which includes, but is not necessarily limited to, bilateral carpal tunnel syndrome." If an

extent-of-injury dispute arises, the parties can proceed with that issue through the dispute resolution process.

The hearing officer's decision and order, as reformed herein, are affirmed.

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

**GAIL L. ESTES  
1525 NORTH INTERSTATE 35E, SUITE 220  
CARROLLTON, TEXAS 75006.**

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Robert W. Potts  
Appeals Judge

CONCUR:

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Michael B. McShane  
Appeals Judge

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Terri Kay Oliver  
Appeals Judge