

APPEAL NO. 020254  
FILED MARCH 13, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). In Texas Workers' Compensation Commission Appeal No. 012528, decided December 3, 2001, we affirmed determinations made by the hearing officer in her Decision and Order of September 24, 2001, following a contested case hearing held on September 18, 2001, that on \_\_\_\_\_, the appellant (claimant) did not sustain a compensable repetitive trauma injury in the form of right carpal tunnel syndrome (CTS); that neither the injury sustained on \_\_\_\_\_, nor the compensable injury of \_\_\_\_\_ (the subject of another claim) extends to include tenosynovitis of the right wrist and right forearm and ulnar nerve entrapment of the right elbow; and that because the claimant did not sustain a compensable injury, she did not have disability. Our decision remanded the case for the hearing officer, who had also found that the claimant sustained a specific injury to her right wrist on \_\_\_\_\_, to determine whether that specific right wrist injury was compensable and, if so, whether it resulted in disability. No remand hearing was held and the hearing officer, after receiving additional argument from the parties, made three additional findings of fact and concluded that the claimant did not sustain a compensable injury on \_\_\_\_\_, and therefore did not have disability. The claimant has appealed these determinations while the respondent (carrier) urges our affirmance.

DECISION

Affirmed.

A recitation of the salient evidence was set out in our earlier decision. Although the disputed injury issue concerned whether on \_\_\_\_\_, the claimant sustained a compensable repetitive trauma injury in the form of CTS, and whether she had disability from such injury, and the hearing officer determined those issues adversely to the claimant, she also made Finding of Fact No. 6 which stated that the claimant "sustained a specific injury to her right wrist on \_\_\_\_\_." Although we affirmed her other determinations, we remanded for further findings concerning Finding of Fact No. 6 and the specific injury. In her remand decision the hearing officer made the following three additional findings in support of her conclusions that the claimant did not sustain a compensable injury and therefore does not have disability:

9. The medical evidence was insufficient to causally relate the mechanism of injury with the specific incident that occurred on \_\_\_\_\_ with the diagnosis of [CTS], tenosynovitis of the right wrist, right forearm, ulnar nerve entrapment and wrist sprain/strain.
10. The medical evidence is insufficient to establish that the Claimant sustained physical damage or harm to the structure of her body,

specifically the right wrist, as a result of any incident occurring on \_\_\_\_\_.

11. Due to the claimed injury, Claimant was unable to obtain or retain employment at wages equivalent to Claimant's preinjury wage beginning on April 6, 2001 and continuing through May 11, 2001.

The net effect of these additional findings is to withdraw Finding of Fact No. 6. The hearing officer apparently believed that while the claimant may have felt a "pop" and immediate pain in her right wrist when she pulled on a pallet jack on \_\_\_\_\_, as she testified, she did not sustain the damage or harm that she claimed. We are satisfied that the additional findings and conclusions are not so contrary to the overwhelming weight of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S. W. 2d 175 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **ZURICH NORTH AMERICA** and the name and address of its registered agent for service of process is

**GARY SUDOL  
ZURICH NORTH AMERICA  
9330 LBJ FREEWAY, SUITE 1200  
DALLAS, TEXAS 75243.**

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Philip F. O'Neill  
Appeals Judge

CONCUR:

\_\_\_\_\_  
Elaine M. Chaney  
Appeals Judge

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Robert E. Lang  
Appeals Panel  
Manager/Judge