

APPEAL NO. 031166  
FILED JULY 1, 2003

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 April 7, 2003. The hearing officer resolved the disputed issues by deciding that the respondent/cross-appellant's (claimant) compensable injury of \_\_\_\_\_, does include the diagnosis of depression and cervical myofascial condition, but does not include bilateral pronator syndrome. The appellant/cross-respondent (carrier) appealed, arguing that the hearing officer's determinations in regard to the diagnosis of depression and cervical myofascial condition are against the great weight and preponderance of the evidence. The claimant cross-appealed the hearing officer's bilateral pronator syndrome determination based on sufficiency of the evidence grounds. The carrier responded to the claimant's cross-appeal and urged affirmance of the hearing officer's bilateral pronator syndrome determination.

DECISION

Affirmed.

The parties stipulated that claimant sustained a compensable injury on \_\_\_\_\_, in the form of bilateral carpal tunnel syndrome (CTS). The issue before the hearing officer was whether the compensable injury of \_\_\_\_\_, includes the diagnosis of depression, cervical myofascial condition, and/or bilateral pronator syndrome. This extent-of-injury issue was a question of fact for the hearing officer. Texas Workers' Compensation Commission Appeal No. 93613, decided August 24, 1993. There was conflicting evidence on the issue. Section 410.165(a) provides that the hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence. The hearing officer determined that the claimant's compensable injury of \_\_\_\_\_, does include the diagnosis of depression and cervical myofascial condition, but does not include bilateral pronator syndrome.

With regard to the depression determination, the carrier alleges that the claimant had psychological problems prior to the injury of \_\_\_\_\_, and that she did not establish that her depression was related to her compensable injury. The Appeals Panel observed in Texas Workers' Compensation Commission Appeal No. 961449, decided September 9, 1996, that the fact that there may be more than one cause of the claimant's psychological condition does not preclude a finding of compensability, provided that there is a causal connection between the compensable injury and the claimant's psychological problems. The hearing officer, relying on Dr. L medical reports dated October 16 and November 21, 2001, states in the Statement of the Evidence paragraph that "[Dr. L] further diagnosed her with depression and related it to the pain associated with the [CTS] and neck condition and her inability to continue working at a job she loves." Dr. L's medical report dated October 16, 2001, states that "the patient has experienced considerable depression and anxiety as a result of her work injury."

The hearing officer could conclude from the evidence that the causal connection is met by the fact that the compensable injury resulted in chronic pain and loss of function. The hearing officer determined that the claimant's compensable injuries and the associated chronic pain have lead to the development of depression.

The carrier asserts that the claimant's cervical myofascial condition is related to the claimant's motor vehicle accident of June 2001, subsequent to the compensable injury of \_\_\_\_\_. A medical report dated March 30, 2001, by Dr. B states that he is in agreement with " [Dr. K] with regard to the diagnosis of cervicothoracic myofascitis." Dr. B opines in a medical report dated April 18, 2001, that the myofascial condition, along with other findings, are related to her work activities, specifically typing. The hearing officer could conclude from those medical reports that the compensable injury includes a cervical myofascial condition.

The claimant asserts that her compensable injury includes bilateral pronator syndrome as evidenced by the medical reports. The hearing officer comments in the Statement of the Evidence paragraph that "despite [the claimant] undergoing an EMG evaluation, there was no further mention in the medical records of pronator syndrome." The hearing officer was persuaded that the medical evidence did not establish that the claimant's compensable injury of \_\_\_\_\_, included bilateral pronator syndrome.

The hearing officer reviewed the evidence. It was for the hearing officer, as trier of fact, to resolve the inconsistencies and conflicts in the evidence and determine what facts had been established. Garza v. Commercial Ins. Co., 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). This is equally true regarding medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286, 290 (Tex. App.-Houston [14th Dist.] 1984, no writ). Our review of the record does not reveal that the challenged determinations are so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Therefore, no sound basis exists for us to reverse those determinations on appeal. Pool v. Ford Motor Co., 715 S.W.2d 629 (Tex. 1986); Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The claimant asserts that the hearing officer did not give proper weight and credibility to the claimant's testimony and the medical evidence to establish that the compensable injury of \_\_\_\_\_, included the diagnosis of bilateral pronator syndrome. The Statement of the Evidence paragraph contains a brief statement that even though all of the evidence presented was not discussed, it was considered. The Appeals Panel stated that the 1989 Act does not require the Decision and Order of the hearing officer include a statement of the evidence, and that omitting some of the evidence from a statement of the evidence did not result in error. Texas Workers' Compensation Commission Appeal No. 000138, decided March 8, 2000, citing Texas Workers' Compensation Commission Appeal No. 94121, decided March 11, 1994. Accordingly, we believe that the hearing officer considered the claimant's testimony and medical evidence to determine whether the compensable injury of \_\_\_\_\_, included bilateral pronator syndrome. We perceive no error.

We affirm the decision and order of the hearing officer.

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

**ROBIN M. MOUNTAIN  
6600 CAMPUS CIRCLE DRIVE EAST, SUITE 300  
IRVING, TEXAS 75063.**

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Veronica Lopez-Ruberto  
Appeals Judge

CONCUR:

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Thomas A. Knapp  
Appeals Judge

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Robert W. Potts  
Appeals Judge