

APPEAL NO. 031217
FILED JULY 7, 2003

This appeal after remand 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 January 31, 2003. The hearing officer determined that the _____, compensable injury of respondent (claimant) extends to and includes left carpal tunnel syndrome (CTS) in addition to right CTS. Appellant (carrier) appealed this determination on sufficiency grounds. Carrier also contended that the hearing officer erred in the admission of an exhibit. Claimant responded that the Appeals Panel should affirm the hearing officer's decision and order. The Appeals Panel determined that the hearing officer erred in admitting an August 1, 2002, letter from claimant's doctor. The Appeals Panel reversed the hearing officer's decision, and remanded for the hearing officer to reconsider the issue regarding extent of injury without considering the August 1, 2002, letter. Texas Workers' Compensation Commission Appeal No. 030527, decided April 16, 2003. The hearing officer did not hold a hearing on remand. The hearing officer reconsidered the issue on remand and issued a decision and order on remand again determining that the _____, compensable injury extends to and includes left CTS in addition to right CTS. Carrier again appealed and claimant again responded seeking affirmance.

DECISION

We affirm.

We have reviewed the complained-of determination regarding extent of injury and conclude that the issue involved a fact question for the hearing officer. Carrier complains that the medical reports show that claimant did not complain about the left wrist until after her right wrist surgery. Carrier asserts that the left wrist injury is not compensable because it involves overuse after the right wrist injury. However, there was evidence that claimant complained of both wrists, not just the right wrist. Carrier contends that Dr. V medical records were not credible, but this was a matter for the hearing officer to consider in making his determinations. The hearing officer reviewed the record and decided what facts were established. There is nothing to indicate that the hearing officer did not consider the record as instructed in the remand decision. We conclude that the hearing officer's determination is supported by the record and 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).

We affirm the hearing officer's decision and order.

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

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Judy L. S. Barnes
Appeals Judge

CONCUR:

Michael B. McShane
Appeals Panel
Manager/Judge

Margaret L. Turner
Appeals Judge