

APPEAL NO. 040212
FILED MARCH 18, 2004

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 January 2, 2004. The hearing officer determined that the _____, compensable injury of respondent (claimant herein) includes complex regional pain syndrome; that claimant's employer did not tender a bona fide offer of employment (BFOE) to claimant; and that claimant had disability from March 1, 2003, through the date of the hearing. Appellant self-insured (carrier herein) appealed these determinations on sufficiency grounds. The file does not contain a response from claimant.

DECISION

We affirm.

Carrier contends that claimant did not prove that her complex regional pain syndrome was caused by her work-related injury. Carrier asserts that any such syndrome was caused by an intervening injury when claimant's dog contacted her wrist causing it to hyperflex. Claimant said she already had aching and burning in the wrist before this incident. Dr. T said the dog incident did not materially affect claimant's wrist. Dr. B said that claimant has "postoperative pain to the right wrist, most probably [reflex sympathetic dystrophy]." He said claimant had been treated for pain but carrier refused to pay for treatment after claimant's incident with the dog. The hearing officer heard the evidence and determined that the compensable injury was a producing cause of the complex regional pain syndrome. The evidence supports the hearing officer's determination.

The hearing officer could find there was no BFOE in this case because the letters sent to claimant did not include a statement that the employer "will provide training if necessary." Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE 129.6(c) (Rule 129.6(c)). We disagree that the hearing officer was required to find claimant did not have disability just because an offer of employment was made and claimant was required to "avail herself of [the offer] in order to prove disability."

We have reviewed the complained-of determinations and conclude that the issues involved fact questions for the hearing officer. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determinations are supported by the record and are 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 **(a certified self-insured)** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
1021 MAIN STREET
HOUSTON, TEXAS 77002.**

Judy L. S. Barnes
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Robert W. Potts
Appeals Judge