

APPEAL NO. 041433
FILED JULY 30, 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 (CCH) was held on May 25, 2004. The hearing officer determined that the appellant's (claimant) compensable injury of _____, does not extend to reflex sympathetic dystrophy (RSD) of the right upper extremity.

The claimant appealed, contending that the hearing officer applied a too stringent level of proof. The respondent (carrier) responded, urging affirmance.

DECISION

Affirmed.

The claimant, a waitress, was cleaning behind some equipment when she experienced a shocking, burning sensation in her right upper extremity on _____. The parties stipulated that the claimant sustained a compensable injury to her right wrist and elbow on _____. The claimant has been seen by a number of doctors and she has been treated with various modalities. Although two of the doctors gave a diagnosis of RSD without explanation to support that diagnosis, other doctors indicate her symptoms are suggestive of RSD but testing for trophic changes, atrophy and vasomotor instability has not been done. Other doctors indicate that "there is no diagnostic evidence" to support a diagnosis of RSD or complex regional pain syndrome. With the medical evidence in conflict the hearing officer did not err in determining that there was insufficient evidence to confirm a diagnosis of RSD and that the claimant failed in her burden of proof that the compensable injury includes RSD of the right upper extremity. The hearing officer applied the proper standard of proof.

Much of the claimant's testimony and argument at the CCH dealt with the pain radiating to her neck and that she was seeking treatment or evaluation of her neck (the claimant's "neck has never been checked out"). We note the agreed issue was only whether the claimant had RSD of the right upper extremity. The hearing officer correctly made no findings regarding the complained-of neck symptoms and this decision is limited only to the right upper extremity.

We have reviewed the complained-of determinations and conclude that the hearing officer's determinations 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.

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

**JEFFREY W. AUTREY
400 WEST 15TH STREET, SUITE 710
FIRST STATE BANK TOWER
AUSTIN, TEXAS 78701.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Daniel R. Barry
Appeals Judge

Chris Cowan
Appeals Judge