

APPEAL NO. 132813  
FILED JANUARY 21, 2014

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 October 8, 2013, in [City], Texas, with [hearing officer] presiding as hearing officer. The hearing officer resolved the sole disputed issue by deciding that the compensable injury of [date of injury], extends to right hand/wrist carpal tunnel syndrome (CTS). The appellant (carrier) appealed the hearing officer's determination, contending that the record does not contain sufficient evidence of causation to support the hearing officer's determination. The carrier also contends that the stipulation contained in Finding of Fact No. 1.D. as contained in the hearing officer's decision is incorrect. The respondent (claimant) responded, urging affirmance of the hearing officer's determination.

**DECISION**

Affirmed as reformed.

Section 410.203(b) was amended effective September 1, 2011, to allow the Appeals Panel to affirm the decision of a hearing officer as prescribed in Section 410.204(a-1). Section 410.204(a) provides, in part, that the Appeals Panel may issue a written decision on an affirmed case as described in subsection (a-1). Subsection (a-1) provides that the Appeals Panel may only issue a written decision in a case in which the panel affirms the decision of a hearing officer if the case: (1) is a case of first impression; (2) involves a recent change in law; or (3) involves errors at the CCH that require correction but does not affect the outcome of the hearing. This case is a situation that requires correction but does not affect the outcome of the hearing.

The claimant testified he injured his right wrist on [date of injury], when he was tightening a hitch ball on the bumper of his work truck with a long wrench.

**EXTENT OF INJURY**

The hearing officer's determination that the compensable injury of [date of injury], extends to right hand/wrist CTS is supported by sufficient evidence and is affirmed. We note that the hearing officer incorrectly states in the Background Information section of the decision that [Dr. I] opined that the compensable injury did not extend to right wrist/hand CTS.

**FINDINGS OF FACT NOS. 1.D. AND 1.E.**

The parties stipulated on the record that the compensable injury "includes at least a right hand sprain/strain," and that the Texas Department of Insurance, Division

of Workers' Compensation (Division) selected [Dr. A] as the designated doctor on the issues of extent of injury, maximum medical improvement (MMI), and impairment rating (IR). However, Finding of Fact No. 1.D. incorrectly states that the compensable injury "includes at least a right hand/wrist sprain/strain," and Finding of Fact No. 1.E. states that the Division appointed Dr. A on the issue of extent of injury. We reform Finding of Fact No. 1.D. to state that the compensable injury includes at least a right hand sprain/strain, and we reform Finding of Fact No. 1.E. to state that the Division selected Dr. A as the designated doctor on the issues of extent of injury, MMI, and IR, to correspond to the stipulations actually made by the parties at the CCH.

### **EVIDENCE PRESENTED**

We reform the hearing officer's decision to show that Claimant's Exhibits Nos. 1 through 10 were admitted into evidence to reflect the correct number of exhibits offered by the claimant and admitted into evidence at the CCH.

### **SUMMARY**

We affirm the hearing officer's determination that the compensable injury of [date of injury], extends to right hand/wrist CTS.

We reform Finding of Fact No. 1.D. to state that the compensable injury includes at least a right hand sprain/strain.

We reform Finding of Fact No. 1.E. to state that the Division selected Dr. A as the designated doctor on the issues of extent of injury, MMI, and IR.

We reform the hearing officer's decision to show that Claimant's Exhibits Nos. 1 through 10 were admitted into evidence.

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

**RICHARD J. GERGASKO, PRESIDENT  
6210 EAST HIGHWAY 290  
AUSTIN, TEXAS 78723.**

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Carisa Space-Beam  
Appeals Judge

CONCUR:

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Cristina Beceiro  
Appeals Judge

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Margaret L. Turner  
Appeals Judge