

APPEAL NO. 141335  
FILED AUGUST 13, 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 was held on May 5, 2014, in Houston, Texas, with [hearing officer] presiding as hearing officer. The hearing officer resolved the disputed issues by deciding that the [date of injury], compensable injury extends to the following: (1) a left groin pseudo aneurysm; (2) an aggravation of peripheral artery disease; (3) a bilateral groin seroma with partial wound dehiscence; (4) femoral neuropathy of the left groin; (5) an aggravation of fistula peripheral artery disease of the left groin; (6) post-operative vascular infection of the left groin; (7) a left pelvis strain; (8) an injury to the left inguinal region; and (9) an aggravation of an aortofemoral bypass. The appellant (carrier) appeals the hearing officer's determination of the extent of the compensable injury, contending that there is not sufficient evidence to support the hearing officer's determination. The respondent (claimant) responded, urging affirmance.

## DECISION

Affirmed as reformed.

The parties stipulated that on [date of injury], the claimant sustained a compensable injury that includes a left groin strain and that (Dr. G) is the designated doctor for extent of injury. The claimant testified that he injured his left groin area when lifting boxes at work. The claimant testified that years prior to the compensable injury, in 1998, he underwent an aortofemoral bypass. After recovery, the claimant testified that from 1998 to 2007 the claimant had no problems or injury to his groin. At issue was whether the compensable injury of [date of injury], included: (1) a left groin pseudo aneurysm; (2) an aggravation of peripheral artery disease; (3) a bilateral groin seroma with partial wound dehiscence; (4) femoral neuropathy of the left groin; (5) an aggravation of fistula peripheral artery disease of the left groin; (6) post-operative vascular infection of the left groin; (7) a left pelvis strain; (8) an injury to the left inguinal region; and (9) an aggravation of an aortofemoral bypass. The hearing officer was persuaded by the evidence that the compensable injury of [date of injury], included all of the extent-of-injury conditions in dispute. The hearing officer made specific findings of fact regarding the opinion of the designated doctor. In his discussion of the evidence, the hearing officer noted that the reports of a peer review, (Dr. C) and a post-designated doctor required medical examination doctor, (Dr. M) were credible and persuasive and provided a detailed causation analysis.

In Finding of Fact No. 5, the hearing officer found that the preponderance of the other medical evidence is contrary to the designated doctor's opinion that the compensable injury includes a left vascular bypass graft injury. The condition of a vascular bypass graft injury was not specifically enumerated in the disputed issue before the hearing officer and was not actually litigated by the parties and therefore we strike Finding of Fact No. 5 because the hearing officer exceeded the scope of the issue before him.

The hearing officer's determination that the [date of injury], compensable injury extends to: (1) a left groin pseudo aneurysm; (2) an aggravation of peripheral artery disease; (3) a bilateral groin seroma with partial wound dehiscence; (4) femoral neuropathy of the left groin; (5) an aggravation of fistula peripheral artery disease of the left groin; (6) post-operative vascular infection of the left groin; (7) a left pelvis strain; (8) an injury to the left inguinal region; and (9) an aggravation of an aortofemoral bypass is supported by sufficient evidence and is affirmed. The hearing officer relied on the reports from Dr. C and Dr. M. for those conditions in the disputed issue that required expert medical evidence to establish causation.

We affirm the hearing officer's determination that the [date of injury], compensable injury extends to: (1) a left groin pseudo aneurysm; (2) an aggravation of peripheral artery disease; (3) a bilateral groin seroma with partial wound dehiscence; (4) femoral neuropathy of the left groin; (5) an aggravation of fistula peripheral artery disease of the left groin; (6) post-operative vascular infection of the left groin; (7) a left pelvis strain; (8) an injury to the left inguinal region; and (9) an aggravation of an aortofemoral bypass.

We reform the hearing officer's decision by striking Finding of Fact No. 5 as exceeding the scope of the issue before the hearing officer.

The true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE 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.**

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Margaret L. Turner  
Appeals Judge

CONCUR:

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Veronica L. Ruberto  
Appeals Judge

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Carisa Space-Beam  
Appeals Judge