

APPEAL NO. 141556
FILED SEPTEMBER 11, 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 June 17, 2014, in Laredo, Texas, with [hearing officer] presiding as hearing officer. The hearing officer resolved the disputed issues by deciding that: (1) the compensable injury of [date of injury], does not extend to the diagnoses of cervical disc bulges at C2-3, C3-4, C4-5, C5-6, and C6-7, disc protrusion/herniation at C5-6, nasal bone fracture, concussion, traumatic brain injury with post-concussion syndrome/seizure disorder—epilepsy; (2) the appellant (claimant) is not entitled to reimbursement of travel expenses for medical treatment at the direction of (Dr. G) during the period of April 8 through April 20, 2013, in the amount of \$246.20; and (3) the claimant did not have disability resulting from the compensable injury of [date of injury], beginning December 15, 2011, and continuing through the date of the CCH. The claimant appealed, disputing the hearing officer's determinations of the extent of the compensable injury, disability and the denial of reimbursement of travel expenses. The claimant argues on appeal that the evidence established that the disputed extent-of-injury conditions were part of the compensable injury; that he is entitled to reimbursement for the requested travel expenses; and that he had disability for the disputed period at issue, December 15, 2011, through the CCH. The respondent (self-insured) responded, urging affirmance of the disputed extent of injury, disability, and travel reimbursement determinations.

DECISION

Affirmed in part and reversed and rendered in part.

The parties stipulated in part that the claimant sustained a compensable injury, in the form of a nasal contusion, lip laceration, and cervical strain on [date of injury]. The claimant testified he was working as a prison guard and was assaulted by an inmate on the date of injury.

TRAVEL REIMBURSEMENT

The hearing officer's determination that the claimant is not entitled to reimbursement of travel expenses of medical treatment at the direction of Dr. G during the period of April 8 through April 20, 2013, in the amount of \$246.20 is supported by sufficient evidence and is affirmed.

DISABILITY

The hearing officer's determination that the claimant did not have disability resulting from the compensable injury of [date of injury], for the time period in dispute, December 15, 2011, through the date of the CCH is supported by sufficient evidence and is affirmed.

EXTENT OF INJURY

That portion of the hearing officer's determination that the compensable injury of [date of injury], does not extend to cervical disc bulges at C2-3, C3-4, C4-5, C5-6, and C6-7, disc protrusion/herniation at C5-6, concussion, and traumatic brain injury with post-concussion syndrome/seizure disorder—epilepsy is supported by sufficient evidence and is affirmed.

In evidence is an injury account to the unit risk manager that noted the claimant was punched to the face several times by an offender and went to the hospital where he received stitches to his lower lip area. The injury account noted the claimant complained of soreness to the neck and had bruising to the bridge of his nose. A hospital record dated July 26, 2010, noted the claimant had stitches under his lower lip on his initial visit to the hospital but did not have any x-rays done. Diagnostic x-rays of the nasal bone were ordered. In evidence are x-rays dated July 30, 2010, that note a fracture of the tip of the nasal bones. In the instant case it was undisputed that the claimant was hit in the face with a closed fist. The first x-rays were taken of the claimant's nasal bones, six days after the date of injury, and noted that the claimant had a fracture of the tip of the nasal bones. Under the facts of this case, with the described mechanism of injury, we decline to hold expert medical evidence was required to prove a nasal bone fracture. The self-insured accepted a nasal contusion, the medical records document bruising to the bridge of the claimant's nose, and x-rays taken close in time to the date of injury reflect that the claimant had a fracture of the tip of the nasal bones. Accordingly, we hold that the hearing officer's determination that the compensable injury does not extend to a nasal bone fracture is so against the great weight and preponderance of the evidence as to be clearly wrong and manifestly unjust. We reverse that portion of the hearing officer's determination that the compensable injury does not extend to a nasal bone fracture and render a new decision that the compensable injury of [date of injury], extends to a nasal bone fracture.

SUMMARY

We affirm the hearing officer's determination that the claimant is not entitled to reimbursement of travel expenses for medical treatment at the direction of Dr. G during the period of April 8 through April 20, 2013, in the amount of \$246.20.

We affirm the hearing officer's determination that the claimant did not have disability resulting from the compensable injury of [date of injury], for the time period in dispute, December 15, 2011, through the date of the CCH.

We affirm that portion of the hearing officer's determination that the compensable injury of [date of injury], does not extend to cervical disc bulges at C2-3, C3-4, C4-5, C5-6, and C6-7, disc protrusion/herniation at C5-6, concussion, and traumatic brain injury with post-concussion syndrome/seizure disorder—epilepsy.

We reverse that portion of the hearing officer's determination that the compensable injury does not extend to a nasal bone fracture and render a new decision that the compensable injury of [date of injury], extends to a nasal bone fracture.

The true corporate name of the insurance carrier is **STATE OFFICE OF RISK MANAGEMENT (a self-insured governmental entity)** and the name and address of its registered agent for service of process is

For service in person the address is:

**JONATHAN D. BOW, EXECUTIVE DIRECTOR
300 W. 15TH STREET
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Margaret L. Turner
Appeals Judge

CONCUR:

Veronica L. Ruberto
Appeals Judge

Carisa Space-Beam
Appeals Judge