APPEAL NO. 950222

This appeal arises pursuant to the Texas Workers' Compensation Act of 1989, TEX. LAB. CODE ANN. § 401.001 *et seq*. (1989 Act). On January 19, 1995, a hearing was held in (city), Texas, with (hearing officer) presiding. He determined that claimant was not injured on (date of injury), when he felt irritation in his eyes, nose, lips, and throat after vacuuming water from on oil well. Appellant (claimant) asserts that he was exposed to hydrogen sulfide which caused injury as shown by his blood pressure, heart rate, headaches, and impaired nerve responses. Respondent (carrier) replies that claimant made no showing that he was injured by any job related activity.

DECISION

We affirm.

Claimant drove a truck for (employer) which he used in removing salt water from oil well sites. He described "sour wells" as containing hydrogen sulfide gas and said that the one he was servicing during the shift in question was reported to be in that condition. He did not smell an odor of "rotten eggs" which he characterized as present when the gas occurs in other than "mild" amounts. He stated his symptoms of high blood pressure, heart rate, and headaches did not begin until about two weeks later.

Claimant's only exhibit included laboratory data of negative drug screens performed in 1991 and April 1993; a physical examination in April 1993 which showed blood pressure at 140/94; this examination was carried over by the doctor to a Progress Note dated April 8, 1993. The April Progress Note was then continued by an entry, apparently dated 12/9/93 which shows the blood pressure to be 152/106. Another Progress Note in that exhibit, and the last document therein, is dated 11-22-91, the same date as the 1991 laboratory drug screen, and it shows blood pressure then of 160/90.

All other medical records were submitted by the carrier. While claimant reported the injury as occurring on (date of injury), records of (Dr. MB), in evidence, begin on December 10 (apparently 1993) at midpage with prior entries on the upper part of the page not dated and appearing incomplete. On December 10, claimant's blood pressure is 166/94, with symptoms of high blood pressure, dizzyness, "ears hurt" and "HA's". No reference to smelling any gas is made in any record of Dr. MB. On December 15, 1993, claimant's blood pressure was 130/88. On December 20, 1993, claimant reported with complaints of headaches. The impression was "ETOH abuse". On December 31, 1993, Dr. MB refers to claimant going to a treatment center for alcohol abuse. Dr MB's records begin again at the end of January 1994 when claimant returned from the treatment center. His blood pressure reached 200/90 on March 4, 1994, and 220/110 on April 11th, before registering 154/90 on April 12, 1994.

The medical records from the treatment center do not reflect that claimant was tested or treated for gas poisoning. Claimant did see (Dr. A) who identifies himself as board

certified in internal medicine while practicing "clinical toxicology". He reported to Dr. MB that any exposure would have been minimal, pointing out that claimant reported no trouble breathing at the time. While the burning of the eyes and nose could have been caused by exposure to hydrogen sulfide, he did not think in May 1994 that "symptoms at this time" were caused by hydrogen sulfide exposure.

With no offer of evidence as to how hydrogen sulfide affects blood pressure, heart rate, headaches, or nerve reactions and with the medical evidence either not addressing hydrogen sulfide or offering the opinion that it is not the basis for claimant's problems, the findings of fact that any exposure to hydrogen sulfide was not sufficient to cause injury, and claimant was not injured at work on (date of injury), are sufficiently supported by the evidence. With no injury in the course and scope of employment shown, there can be no resultant disability. *See* Section 410.011 (16).

While claimant asks for another hearing, he does not provide a basis that would warrant a remand. *See* Black v. Wills, 758 S.W.2d 809 (Tex. App.-Dallas 1988, no writ).

Finding that the decision and order of the hearing officer set forth at the conclusion of his opinion are sufficiently supported by the evidence, we affirm. *See* In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951).

Joe Sebesta
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Tommy W. Lueders
Appeals Judge