APPEAL NO. 950416

Pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq*. (1989 Act), a contested case hearing was held in (city), Texas, on January 10, 1995, (hearing officer) presiding as hearing officer. He determined that the appellant's (claimant) arthritic condition is not related to the compensable injury of (date of injury), and that he did not have disability after October 21, 1993. The claimant appeals the decision urging that he never suffered from arthritis until he sustained the neck injury on (date of injury). The respondent (city) requests that the decision be affirmed.

DECISION

Affirmed.

Not in issue was the fact that the claimant sustained a compensable neck injury, diagnosed as strain and mild torticollis, on (date of injury), while pulling a water meter. Benefits have not been denied for the neck injury. However, subsequently and while still under medical treatment, the claimant experienced problems with pain and swelling to his right hand, wrist, left shoulder, hip and ankles. The claimant treated with several doctors and it was ultimately determined that the claimant had inflammatory arthritis, diagnosed as rheumatoid arthritis. Medical reports from (Dr. A), a specialist in rheumatology, address the relationship of the claimant's condition to his (date of injury), injury. In a letter dated September 2, 1994, Dr. A states:

> I do not feel that this inflammatory arthritis is due to or related to his previous cervical spine injury. He does have persistence of soreness and aching in the neck. It has been present over this period of time, and that discomfort is related to his previous injury.

In a subsequent letter dated January 19, 1995, Dr. A states:

> I have been following [claimant] for widespread inflammatory arthritis which has been diagnosed as rheumatoid arthritis. I first saw him in May of 1993, and he related that his problem seemed to start when he had a neck injury while on the job. It is known that injuries, stress, and other disease processes may exacerbate or aggravate underlying arthritis, and in [claimant's] case it is possible that his neck injury did aggravate his underlying arthritis.

(Dr. C), who treated the claimant shortly following his neck injury, stated in a letter dated June 2, 1993:

> Upon examination on (date), I noticed [claimant] was tender over his right neck and had a considerable degree of spastic musculature. The x-ray of classic torticollis on the right side [sic]. There was, as an after reading, some sign of hypotrophic arthritic changes within the neck's bony structure, but not

certainly caused by his injury having been some years in its formation, and certainly not felt to be significant vis-a-vis the workers' compensation claim.

The claimant's main thrust at the hearing and on appeal seems to be that he did not have his current problems before and that but for the injury of (date of injury), he would not have his current problems. Therefore, there is a causal connection between the (date of injury), compensable injury and his current condition through an aggravation of his arthritis condition. Unfortunately, the medical evidence of record does not sufficiently establish this proposition. And, given the nature of the medical condition in issue, medical evidence is necessary on the matter of the causal connection between the work and the claimant's physical condition. *See* Schaefer v. Texas Employers' Insurance Association, 612 S.W.2d 199 (Tex. 1980); Houston General Insurance Co. v. Pegues, 514 S.W.2d 492 (Tex. Civ. App.-Texarkana 1974, writ ref'd n.r.e.); Texas Workers' Compensation Commission Appeal No. 950218, decided March 29, 1995; Texas Workers' Compensation Commission Appeal No. 93577, decided August 18, 1993. While magic words are not required, a mere possibility does not equate to reasonable medical probability. Schaefer, *supra*.

Our review of the evidence in this case convinces us that it is sufficient to support the determinations of the hearing officer. Clearly, we cannot conclude that his determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or unjust. Pool v. Ford Motor Co., 715 S.W.2d 629, 635 (Tex. 1986); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951). There is no basis, either in law or fact, to disturb the decision of the hearing officer. Accordingly, the decision and order are affirmed.

Stark O. Sanders, Jr.
Chief Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Philip F. O'Neill
Appeals Judge