

APPEAL NO. 230630  
FILED JUNE 29, 2023

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 February 21, 2023, with the record closing on March 27, 2023, in (city), Texas, with (administrative law judge) presiding as the administrative law judge (ALJ). The ALJ resolved the disputed issue by deciding that the compensable injury of (date of injury), does not extend to right radial styloid tenosynovitis.

The appellant (claimant) appealed, disputing the ALJ's determination. Respondent 3 (self-insured) responded, urging affirmance of the ALJ's determination. The appeal file does not contain responses from Respondents 1 and 2 (subclaimants 1 and 2).

DECISION

Affirmed as reformed.

The ALJ is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence. *Texas Employers Insurance Association v. Campos*, 666 S.W.2d 286 (Tex. App.—Houston [14th Dist.] 1984, no writ). As an appellate reviewing tribunal, the Appeals Panel will not disturb challenged factual findings of an ALJ absent legal error, unless they are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. *Cain v. Bain*, 709 S.W.2d 175, 176 (Tex. 1986); *In re King's Estate*, 150 Tex. 662, 244 S.W.2d 660 (1951).

Section 410.203(b) was amended effective September 1, 2011, to allow the Appeals Panel to affirm the decision of an ALJ 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, in part, that the Appeals Panel may only issue a written decision in a case in which the Appeals Panel affirms the decision of an ALJ 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 do not affect the outcome of the hearing. This case is a situation involving errors that require correction but do not affect the outcome of the hearing.

The record indicates that during the CCH, the parties agreed to amend the issue to include two cervical conditions for which the subclaimants were seeking adjudication. The ALJ failed to indicate the issue as modified. Therefore, we reform the issue to

reflect the correct issue as agreed to by the parties: does the compensable injury of (date of injury), extend to right radial styloid tenosynovitis, cervical spondylosis without myelopathy or radiculopathy, and cervical radiculopathy?

Additionally, the record indicates that the parties agreed to resolve the cervical conditions by stipulation; however, the ALJ failed to include this stipulation in his decision. Therefore, we reform Finding of Fact No. 1 to add the following stipulation as agreed to by the parties: the compensable injury of (date of injury), does not extend to cervical spondylosis without myelopathy or radiculopathy or cervical radiculopathy.

The ALJ's determination that the compensable injury of (date of injury), does not extend to right radial styloid tenosynovitis is supported by sufficient evidence and is affirmed. However, the ALJ failed to include the cervical conditions in Conclusion of Law No. 3 and in the Decision section. Therefore, we reform those sections to state that the compensable injury of (date of injury), does not extend to right radial styloid tenosynovitis, cervical spondylosis without myelopathy or radiculopathy, or cervical radiculopathy.

## **SUMMARY**

We reform the issue to reflect the correct issue as agreed to by the parties: does the compensable injury of (date of injury), extend to right radial styloid tenosynovitis, cervical spondylosis without myelopathy or radiculopathy, and cervical radiculopathy?

We reform Finding of Fact No. 1 to add the following stipulation as agreed to by the parties: the compensable injury of (date of injury), does not extend to cervical spondylosis without myelopathy or radiculopathy or cervical radiculopathy.

We affirm as reformed Conclusion of Law No. 3 and the Decision section to state that the compensable injury of (date of injury), does not extend to right radial styloid tenosynovitis, cervical spondylosis without myelopathy or radiculopathy, or cervical radiculopathy.

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

**(NAME)**  
**(ADDRESS)**  
**(CITY), TEXAS (ZIP CODE).**

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Cristina Beceiro  
Appeals Judge

CONCUR:

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Carisa Space-Beam  
Appeals Judge

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Margaret L. Turner  
Appeals Judge