

APPEAL NO. 230988
FILED SEPTEMBER 7, 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 was held on January 12, 2023, February 21, 2023, and May 8, 2023, with the record closing on May 30, 2023, in (city), Texas, with (administrative law judge) presiding as the administrative law judge (ALJ). The ALJ resolved the disputed issue by deciding that no specific service provided by the appellant (subclaimant) to respondent 1 (claimant) from January 21, 2022, through January 26, 2022, was shown to be related to the compensable injury of (date of injury). The subclaimant appealed, disputing the ALJ's determination. Respondent 2 (carrier) responded, urging affirmance of the ALJ's determination. The appeal file does not contain a response from the claimant to the subclaimant's appeal.

DECISION

Reversed and rendered.

The parties stipulated, in part, that the claimant sustained a compensable injury on (date of injury), that extends to at least bilateral wrist fractures, bilateral carpal tunnel syndrome, nasal fractures, facial lacerations and contusions, infection to the right wrist, and surgery on January 23, 2022, to address the infection. The claimant broke both of her wrists on (date of injury), when she fell off a roof. Medical records in evidence establish the claimant had received treatment for her (date of injury), compensable injury that included bilateral wrist open reduction and internal fixation procedures.

In evidence were numerous medical records from January 21, 2022, through January 26, 2022, establishing the claimant's medical care. On January 21, 2022, the claimant presented to an emergency room for treatment of a wound on her right wrist caused by punching a tree approximately two years prior. The emergency room records also note the claimant reported a wound on her back. The records indicate findings of a mottled appearance involving the right distal radius that was concerning for osteomyelitis, a bone infection. The claimant was started on antibiotics and admitted to the hospital for suspected osteomyelitis of the right wrist. Wound cultures were taken of the claimant's back and right wrist, and the claimant was diagnosed with methicillin resistant staphylococcus aureus (MRSA) of her back, and MRSA and osteomyelitis of her right wrist. The claimant continued receiving antibiotics for the infection, and on January 23, 2022, the claimant underwent surgery on her right wrist to replace the hardware placed as treatment for her (date of injury), compensable injury, and to treat the infection. The claimant remained at the hospital, receiving continued antibiotics for the infection and treatment for uncontrolled Type II diabetes. The claimant was ultimately discharged on January 26, 2022.

The subclaimant contends on appeal the ALJ's determination that no specific service provided by the subclaimant to the claimant from January 21, 2022, through January 26, 2022, was shown to be related to the compensable injury of (date of injury), is in direct disregard to the parties' stipulation. As previously mentioned, the parties stipulated that the claimant's (date of injury), compensable injury extends to, in part, infection to the right wrist and surgery on January 23, 2022, to address the infection. We note the parties' stipulation does not identify a specific infection.

The ALJ noted in the discussion portion of his decision the parties' stipulation, and stated "it was hard to see the boundaries between surgery to address the right wrist infection and the other care the claimant received, and there was no expert opinion evidence concerning relatedness of the charges at issue." However, given the parties' stipulation, treatment for the infection to the claimant's right wrist and surgery on January 23, 2022, to address the infection is compensable. The records establish the claimant sought treatment on January 21, 2022, for her right wrist, and that she was admitted to the hospital and received treatment for an infection to her right wrist that included, among other things, antibiotics, surgery on January 23, 2022, and continued antibiotics through January 26, 2022. While the claimant also received care during this time for uncontrolled diabetes, the fact remains that the claimant was hospitalized and received treatment for the compensable infection to her right wrist. Accordingly, we reverse the ALJ's determination that no specific service provided by the subclaimant to the claimant from January 21, 2022, through January 26, 2022, was shown to be related to the compensable injury of (date of injury). We render a new decision that services provided by the subclaimant on January 21, 2022, through January 26, 2022, for the infection to the claimant's right wrist and surgery on January 23, 2022, to address the infection are related to the compensable injury of (date of injury), by virtue of the parties' stipulation.

The true corporate name of the insurance carrier is **TEXAS MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**JEANETTE WARD, PRESIDENT AND CEO
2200 ALDRICH STREET
AUSTIN, TEXAS 78723.**

Carisa Space-Beam
Appeals Judge

CONCUR:

Cristina Beceiro
Appeals Judge

Margaret L. Turner
Appeals Judge