

APPEAL NO. 992943

This appeal arises pursuant to the Texas Workers' Compensation Act of 1989, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). On December 6, 1999, a hearing was held. He (hearing officer) determined that appellant's (claimant) compensable right ankle injury of _____, did not extend to his left knee; he also found that claimant had disability from the right ankle injury from February 8, 1999, through June 28, 1999. Claimant asserts that his injury to his left knee occurred because he was instructed by Dr. G after his ankle surgery to keep his weight off the right lower extremity; claimant also states that he should be found to have disability after June 29, 1999, because of the left knee injury. Respondent (carrier) replied that the decision should be affirmed.

DECISION

We affirm.

Claimant injured his right ankle at work on _____. There is no dispute that it was a compensable injury. Claimant then had surgery to that right ankle by Dr. G on February 8, 1999. After that surgery the evidence indicates that claimant was on crutches for a period of time. On March 2, 1999, Dr. G noted some swelling in claimant's left knee (commenting about a prior left knee injury with surgery having been performed on that knee); Dr. G also then said that the swelling, as well as the pain "has cleared up" by taking ibuprofen.

Dr. G then noted on May 4, 1999, that "four days ago" claimant began developing pain and swelling of his left knee and went to an emergency room. Claimant testified that he fell twice at home at the end of April or first part of May, but added that he did not fall on the left knee and did not injure the left knee. Dr. W, who performed claimant's 1995 left knee surgery, noted on May 5, 1999, that claimant had returned for the first time in three years; he noted claimant's recent right ankle surgery and claimant's assertion that he had placed more weight on his left leg. Dr. W then states that claimant slipped and fell on his left knee on April 30, 1999, in his house, and then noted, "a few days later . . . he fell and injured his knee again." Dr. W thought an MRI would be helpful to evaluate the knee. Claimant testified that he did not injure the knee in the falls, which he said occurred on the same day, and that Dr. W's notes are wrong in that regard.

The evidence does not provide any physician's opinion indicating that claimant injured his left knee as a result of his right ankle injury. There was no allegation that the left knee was injured in the fall at work in _____ which caused injury to the right ankle.

The hearing officer provided a thorough discussion of applicable points and Appeals Panel decisions in his Statement of Evidence, pointing out, among other things, that no allegation was made that claimant had an altered gait from the compensable injury. He concluded that the claimant did not show that his ankle injury extended to his left knee condition. With the passage of several months since the compensable injury and with no

medical opinion stating more than a "possibility" that the knee condition resulted from the compensable injury, the evidence sufficiently supported the determination that the compensable injury was not shown to have extended to claimant's left knee.

Dr. G stated on June 9, 1999 (received by the carrier on June 29, 1999) that claimant could return to work "with respect to his right ankle." Therefore, with an affirmed determination that the compensable injury did not extend to the left knee, the hearing officer did not err in finding that disability ended on June 28, 1999.

Finding that the decision and order 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:

Robert W. Potts
Appeals Judge

Thomas A. Knapp
Appeals Judge