

APPEAL NO. 002324

On September 13, 2000, a contested case hearing (CCH) was held. The CCH was held under the provisions of the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* The hearing officer resolved the disputed issues by deciding that the respondent (claimant) sustained a compensable injury on _____, and that the claimant had disability from _____, through June 14, 2000. The appellant (carrier) requests that the hearing officer's decision be reversed and that a decision be rendered in its favor. The claimant requests that the hearing officer's decision be affirmed.

DECISION

Affirmed as reformed herein.

The claimant testified that on _____, she was performing her duties as a security officer patrolling the inside of a shopping mall when she lost her footing on the tile floor and ended up in a runner's stretch position with her left leg bent and her right leg straight out behind her, and that, when she bent her right knee in attempting to get up, her right knee popped and she had severe pain in her right knee. The claimant was taken by ambulance to a hospital and then started treating with Dr. Y, who diagnosed a right knee medial collateral ligament strain, prescribed a leg brace and crutches, and took the claimant off work. The claimant said that when Dr. Y released her to light-duty work on May 26, 2000, her employer told her that it had no light-duty work available for her. The claimant said that on June 15, 2000, she obtained a job with another employer for higher wages.

The hearing officer found that the claimant sustained harm and damage to the physical structure of her "left knee" on _____, when she slipped and fell while patrolling the shopping mall in furtherance of the business of her employer and that due to her compensable injury of _____, the claimant was unable to obtain and retain employment at wages equivalent to her preinjury wage from _____, to June 14, 2000. The hearing officer concluded that the claimant sustained a compensable injury on _____, and that the claimant had disability from _____, to June 14, 2000. We reform the hearing officer's injury finding to state that the claimant injured her "right knee" in the course and scope of her employment on _____.

The carrier points to what it considers to be inconsistent and conflicting evidence in its appeal. As the trier of fact, the hearing officer resolves the conflicts and inconsistencies in the evidence. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). We conclude that the hearing officer's findings, as reformed herein, and her conclusions and decision are supported by sufficient evidence and are not so contrary to the overwhelming weight of the evidence as to be clearly wrong and unjust.

As reformed to reflect a compensable right knee injury, the hearing officer's decision and order are affirmed.

Robert W. Potts
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Thomas A. Knapp
Appeals Judge