

APPEAL NO. 002490

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 October 5, 2000. The hearing officer determined that the respondent (claimant) sustained a compensable knee injury on _____, and that she had disability from September 14, 1999, to the date of the hearing. Appellant (carrier) appealed these determinations on sufficiency grounds. Claimant responded that the Appeals Panel should affirm the hearing officer's decision and order.

DECISION

We affirm.

Carrier contends the hearing officer erred in determining that claimant sustained a compensable left knee injury and that she had disability. The applicable law regarding injury and disability issues and our standard of review are set forth in Texas Workers' Compensation Commission Appeal No. 001333, decided July 25, 2000.

Claimant testified that she twisted her knee at work while walking and felt a twinge. She said that, after about 15 minutes, the pain became worse and her knee began to swell, so she reported an injury. After conservative treatment, claimant underwent MRI testing and was diagnosed with a meniscus tear. Carrier asserts that claimant did not actually twist her knee, but was merely walking when she was injured. However, the hearing officer determined that claimant did twist her knee. The matters raised by carrier in its brief involved factors for the hearing officer to consider in making her fact determinations. We have reviewed the record and we conclude that the hearing officer's determination that claimant sustained a compensable injury is not 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). Carrier also appealed the disability determination, asserting that claimant did not have disability because she did not sustain a compensable injury. However, because we have affirmed the determination that claimant sustained a compensable injury, we affirm the disability determination as well.

We affirm the hearing officer's decision and order.

Judy L. Stephens
Appeals Judge

CONCUR:

Kenneth A. Huchton
Appeals Judge

Susan M. Kelley
Appeals Judge