

## APPEAL NO. 002620

Following a contested case hearing held on October 25, 2000, pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act), the hearing officer resolved the disputed issues by determining that the compensable injury sustained by the appellant (claimant) on \_\_\_\_\_, does not extend to and include injury to either of her knees and that the claimant did not have disability from August 29, 2000, through the date of the hearing. The claimant has appealed, asserting that her testimony and medical evidence established that the injury extended to her knees and thus that she did have disability from August 29, 1999, to the date of the hearing. The respondent (self-insured) urges in response that the evidence is sufficient to support the challenged determinations.

### DECISION

Affirmed.

The claimant testified that when she slipped and fell at work on \_\_\_\_\_, landing on her left posterior area, she not only injured her low back but also her left leg, knee, and shin; that she reported that she had injured her left posterior area and her left leg, which she felt included the knee; that although she complained about her leg as well as her low back, Dr. P, who treated her from October 1998 to October 1999, did not initially treat her knee because he was focusing on treating her low back injury; and that in late June 1999 she began to have more problems with her knees and had to resort to her own health insurance to obtain treatment for them. The claimant's medical records and testimony reflect that in October 1999 she changed doctors to Dr. M; that Dr. M diagnosed degenerative arthritis in both knees on December 27, 1999; and that on August 28, 2000, she underwent arthroscopic surgery on the left knee for a loose body and a medial meniscus tear. The claimant acknowledged having fallen at home in August 1999 and further acknowledged that the first medical documentation of right-knee swelling by Dr. P followed the fall at home.

We are satisfied that the challenged factual findings of the hearing officer, who is the sole judge of the weight and credibility of the evidence (Section 410.165(a)), are not so against the great weight of the evidence as to be clearly wrong or manifestly unjust. In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951); Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

---

Philip F. O'Neill  
Appeals Judge

CONCUR:

---

Kathleen C. Decker  
Appeals Judge

---

Thomas A. Knapp  
Appeals Judge