APPEAL NO. 010243

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq*. (1989 Act). On January 9, 2001, a contested case hearing was held. With regard to the issues before her, the hearing officer determined that the compensable injury sustained by the respondent (claimant) on _____, is a producing cause of chondromalacia and medial meniscus tear in the left knee, but not a producing cause of osteoarthritis, and that the compensable injury resulted in disability from April 11, 2000, through October 20, 2000. The appellant (self-insured) argues on appeal that there is insufficient evidence to support the hearing officer's extent-of-injury determination and requests that it be reversed and a new decision rendered in its favor. The appeal file contains no response from the claimant. The self-insured conditionally appealed the hearing officer's disability determination, asking that we review the disability issue only in the event of a timely appeal from the claimant. Because the claimant did not file an appeal, we will not address the disability issue further.

DECISION

Affirmed.

It is undisputed that the claimant sustained an injury to his left knee on _____, when he fell at work, landing on his knees. The claimant was initially treated for a contusion to the knee, but subsequently was diagnosed with a torn medial meniscus and chondromalacia in his left knee. At issue in this case is whether the compensable injury is a producing cause of the medial meniscus tear and chondromalacia.

The aggravation of a prior condition can be a new injury provided the claimant establishes a reasonably identifiable cause. The mere recurrence or remanifestation of symptoms of the prior condition does not equate to an aggravation injury. Rather, there must be evidence of "some enhancement, acceleration or worsening of the underlying condition." Texas Workers' Compensation Commission Appeal No. 93866, decided November 8, 1993. In the case we now consider, the claimant pointed to a specific event that he believed caused the left knee injury or aggravated a preexisting condition. Conflicting medical evidence was presented with regard to the cause of the meniscal tear and chondromalacia. It was for the hearing officer to accept or reject all, part, or none of the evidence (Texas Workers' Compensation Commission Appeal No. 93819, decided October 26, 1993), including the medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). The hearing officer considered this evidence and concluded that the claimant met his burden of proving that the compensable injury extended to a meniscal tear and chondromalacia in the left knee.

We will reverse a factual determination of a hearing officer only if that determination is so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Pool v. Ford Motor Co., 715

S.W.2d 629, 635 (Tex. 1986). We conclude from our review of the record in this case that there was sufficient evidence to support the hearing officer's extent-of-injury determination and that it is not so against the great weight of the evidence as to compel its reversal on appeal.

The decision and order of the hearing officer are affirmed.

Elaine M. Chaney
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Gary L. Kilgore
Appeals Judge