

APPEAL NO. 011590
FILED AUGUST 16, 2001

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 June 12, 2001. The hearing officer resolved the disputed issue by deciding that the appellant's (claimant) left knee sprain with possible internal derangement did not naturally flow from and is not a result of the compensable right knee injury sustained on _____. The claimant appealed and the respondent (carrier) responded. With regard to the carrier's assertion regarding the timeliness of the claimant's appeal, the appeal was timely filed. Section 410.202 (amended June 17, 2001).

DECISION

The hearing officer's decision is affirmed.

The issue regarding the compensability of the claimant's left knee injury, which occurred at home, presented a question of fact for the hearing officer to determine from the evidence presented. Texas Workers' Compensation Commission Appeal No. 94067, decided February 28, 1994. Section 410.165(a) provides that the hearing officer is the sole judge of the relevance and materiality of the evidence. As the finder of fact, the hearing officer resolves conflicts in the evidence. The hearing officer's decision is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Texas Workers' Compensation Commission Appeal No. 92553, decided November 30, 1992. With regard to the claimant's assertion regarding the adequacy of the assistance provided by the ombudsman, we generally do not review whether an ombudsman satisfactorily assisted an employee. Texas Workers' Compensation Commission Appeal No. 981823, decided September 18, 1998.

The hearing officer's decision and order are affirmed.

Robert W. Potts
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Thomas A. Knapp
Appeals Judge