

APPEAL NO. 011738
FILED AUGUST 28, 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 July 9, 2001. With respect to the sole issue before her, the hearing officer determined that the respondent's (claimant) _____, compensable injury does not extend to include depression and fibromyalgia, but does extend to include phlebitis and degenerative joint disease to the left knee, in addition to the anterior cruciate ligament tear in the left knee. The appellant (carrier) appeals, on sufficiency grounds, only the determination that the claimant's compensable injury extends to include degenerative joint disease, and seeks reversal of the hearing officer on that issue. The claimant responds and urges that the hearing officer be affirmed.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant's September 9, 1998, compensable injury extended to include her degenerative joint disease in her left knee. The medical records in evidence and the claimant's testimony support the hearing officer's finding that the claimant's preexisting osteoarthritis or degenerative joint disease was aggravated by her compensable injury. The issue presented a question of fact for the hearing officer to resolve. The hearing officer is the sole judge of the relevance and materiality of the evidence and of its weight and credibility. Section 410.165(a). The hearing officer resolves conflicts and inconsistencies in the evidence, decides what weight to give to the evidence, and determines what facts the evidence has established. Texas Employers Ins. Ass'n v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). Nothing in our review of the record reveals that the challenged determination is so contrary to the great weight of the evidence as to be clearly wrong and manifestly unjust. Thus, no sound basis exists for us to reverse that determination on appeal. Pool v. Ford Motor Co., 715 S.W.2d 629, 635 (Tex. 1986); Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The decision and order of the hearing officer is affirmed.

The true corporate name of the insurance carrier is **TEXAS HOSPITAL INSURANCE EXCHANGE** and the name and address of its registered agent for service of process is:

**ROBERT DION, PRESIDENT/CEO
TEXAS HOSPITAL INSURANCE EXCHANGE
800 AIRPORT FREEWAY, SUITE 1012
IRVING, TEXAS 75062.**

Elaine M. Chaney
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Michael B. McShane
Appeals Judge