

APPEAL NO. 020269
FILED MARCH 15, 2002

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 January 10, 2002. With respect to the issues before him, the hearing officer determined that the respondent (claimant) sustained a compensable injury on _____, and that he had disability from September 25, 2001, to January 3, 2002. The appellant (carrier) appeals arguing that the hearing officer's injury and disability determinations are against the great weight of the evidence. In his response, the claimant urges affirmance.

DECISION

Affirmed.

The claimant testified that he injured his left knee while working for the employer when he turned after hearing a noise and twisted it. He testified he was able to prevent himself from falling to the ground but that the next day his knee began to swell. The claimant testified, and the medical records reflect, that he had surgery to his left knee.

Section 410.165(a) provides that the hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as of the weight and credibility that is to be given the evidence. Generally, a claimant's testimony alone may establish that an injury has occurred, and disability has resulted from it, if it is believed by the hearing officer. Houston Indep. Sch. Dist. v. Harrison, 744 S.W.2d 298, 299 (Tex. App.-Houston [1st Dist.] 1987, no writ). When reviewing a hearing officer's decision for factual sufficiency of the evidence, we will reverse the decision only if it is so contrary to 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); Pool v. Ford Motor Co., 715 S.W.2d 629, 635 (Tex. 1986). Applying this standard, we find no grounds to reverse the challenged determinations on appeal.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **WAUSAU BUSINESS INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEMS
350 NORTH ST. PAUL, SUITE 2900
DALLAS, TEXAS 75201.**

Elaine M. Chaney
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Edward Vilano
Appeals Judge