

APPEAL NO. 020389
FILED MARCH 21, 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 (CCH) was held on January 14, 2002. The hearing officer determined that the appellant (claimant) had not sustained a compensable left knee injury on _____, and, therefore, did not have disability as defined in Section 401.011(16).

The claimant appealed, citing medical reports and evidence that support his position and reiterating his position from the CCH. The respondent (self-insured) responds, urging affirmance and contending that the claimant's left knee buckled while he was merely walking.

DECISION

Affirmed.

It is undisputed that the claimant has a torn medial meniscus of his left knee. The evidence is in conflict as to whether the claimant's left knee buckled as he was walking normally over a smooth, flat floor or whether the claimant sustained the injury as he twisted while turning a corner on _____. Evidence to support the hearing officer's decision includes the fact that the claimant saw a doctor on February 20 and March 8, 2001, with left knee complaints. The doctor who saw the claimant on the March 8 visit (one week before the claimed injury) noted in his report that the claimant "does feel at times that his knee is totally going to give away." The claimant had been assessed as having degenerative joint disease and a doctor from the March 8 visit stated that he "cannot rule out meniscal injury." The hearing officer commented that the claimant "was neither credible nor truthful in the presentation of his claim."

There was conflicting evidence presented at the hearing on the issues. The hearing officer weighed the credibility and inconsistencies in the evidence and the hearing officer's determinations on the issues are not against the great weight and preponderance 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). That a different fact finder may have reached a different conclusion based on the same evidence is not a basis for us to reverse the hearing officer's decision. Salazar, et al. v. Hill, 551 S.W.2d 518 (Tex. Civ. App.-Corpus Christi 1977, writ ref'd n.r.e.).

In that we are affirming the hearing officer's decision that the claimant had not sustained a compensable injury, the claimant cannot, by definition, have disability.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **STATE OFFICE OF RISK MANAGEMENT (a self-insured governmental entity)** and the name and address of its registered agent for service of process is

For service in person the address is:

**RON JOSSELET, EXECUTIVE DIRECTOR
STATE OFFICE OF RISK MANAGEMENT
300 W. 15TH STREET
WILLIAM P. CLEMENTS, JR. STATE OFFICE BUILDING, 6TH FLOOR
AUSTIN, TEXAS 78701.**

For service by mail the address is:

**RON JOSSELET, EXECUTIVE DIRECTOR
THE STATE OFFICE OF RISK MANAGEMENT
P.O. BOX 13777
AUSTIN, TEXAS 78711-3777.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Terri Kay Oliver
Appeals Judge