APPEAL NO. 020769
FILED MAY 20, 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 March 5, 2002. With respect to the single issue before him, the hearing officer determined that the respondent's (claimant) compensable injury of _____, included an aggravation of the claimant's degenerative joint disease, requiring a total knee replacement. In its appeal, the appellant (carrier) asserts error in that determination. The appeal file does not contain a response to the carrier's appeal from the claimant.

DECISION

Affirmed.

The hearing officer did not err in determining that the compensable injury of _____, included an aggravation of the claimant's degenerative joint disease, requiring a total knee replacement. That issue presented a question of fact for the hearing officer. Texas Workers' Compensation Commission Appeal No. 93613, decided August 24, 1993. Section 410.165(a) provides that the hearing officer 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. As the fact finder, the hearing officer resolves the conflicts and inconsistencies in the evidence and determines what facts the evidence has established. Garza v. Commercial Ins. Co., 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). We find no merit in the carrier's assertion that there was "no objective evidence" to support the hearing officer's decision. The claimant presented evidence from his treating doctor and from a doctor who examined him on behalf of the carrier. Each of those doctors opined that the claimant's compensable injury aggravated the degenerative joint disease in the claimant's left knee and those opinions are sufficient to satisfy the claimant's burden of proof. In this instance, there was conflicting evidence on the issue before the hearing officer and he was acting within his province as the fact finder in crediting the causation opinions from the claimant's treating doctor and a carrier-selected doctor over a contrary opinion from the doctor who conducted a records review on behalf of the carrier. Nothing in our review of the record demonstrates that the challenged determination is so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Therefore, no sound basis exists for us to disturb that determination on appeal. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **FIRE & CASUALTY INSURANCE COMPANY OF CONNECTICUT** and the name and address of its registered agent for service of process is

CORPORATION SERVICES
800 BRAZOS
AUSTIN, TEXAS 78701.

Elaine M. Chaney
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Thomas A. Knapp
Appeals Judge