

APPEAL NO. 020979
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 28, 2002. The hearing officer determined that the compensable injury sustained by the appellant (claimant) on _____, does not extend to and include the following diagnoses to the left knee: internal derangement; chondromalacia of the patella; and chondral lesion to the right medial trochlea and medial plica. Additionally, the hearing officer determined that the claimant is not barred from pursuing workers' compensation benefits because of an election to receive benefits under a group health insurance policy. On appeal, the claimant contends that the extent-of-injury determination is against the great weight of the evidence. The respondent (carrier) urges affirmance.

DECISION

Affirmed.

Extent of injury is a factual question for the hearing officer to resolve. The hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as the weight and credibility that is to be given to the evidence. Section 410.165(a). It is for the hearing officer to resolve the inconsistencies and conflicts in the evidence. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). The Appeals Panel will not disturb the challenged factual findings of a hearing officer unless they are so against 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); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951). We have reviewed the complained-of matters and conclude that the hearing officer's decision is supported by sufficient evidence.

The decision and order of the hearing officer are affirmed.

The true corporate name of the carrier is **CONTINENTAL CASUALTY COMPANY** and the name and address of its registered agent for service of process is

**BOB TALLEY
PARAGON CENTER ONE
450 GEARS ROAD, #400
HOUSTON, TEXAS 77067.**

Susan M. Kelley
Appeals Judge

CONCUR:

Michael B. McShane
Appeals Judge

Robert W. Potts
Appeals Judge