

APPEAL NO. 022105  
FILED SEPTEMBER 24, 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 July 22, 2002. The hearing officer resolved the disputed issues by deciding that the appellant (claimant) sustained a compensable injury on \_\_\_\_\_; that the compensable injury includes effusion of the right knee joint and a right knee meniscal tear; that the compensable injury does not include chondromalacia of the right knee; and that the claimant has not had disability. The claimant appealed the hearing officer's determinations that the compensable injury does not include chondromalacia of the right knee and that he has not had disability. The respondent (carrier) responded. There is no appeal of the other determinations of the hearing officer.

DECISION

As reformed herein, the hearing officer's decision is affirmed.

We reform the hearing officer's decision to reflect that the CCH was held on July 22, 2002, and not June 17, 2002.

Conflicting evidence was presented at the CCH on the issues that have been appealed. The claimant had the burden to prove the extent of his compensable injury and that he has had disability as defined by Section 401.011(16). The hearing officer could consider the claimant's testimony, the medical reports, as well as the videotape depicting the claimant's activities. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. We conclude that the appealed determinations are supported by sufficient evidence and that they are not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order, as reformed herein, are affirmed.

The true corporate name of the insurance carrier is **UNITED STATES FIDELITY & GUARANTY COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
800 BRAZOS  
AUSTIN, TEXAS 78701.**

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Robert W. Potts  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Philip F. O'Neill  
Appeals Judge