

APPEAL NO. 022196
FILED OCTOBER 8, 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 July 24, 2002. The hearing officer resolved the disputed issues by deciding that the appellant/cross-respondent (claimant) sustained a compensable injury to her right knee on _____, and had resultant disability from August 28 through October 23, 2001. The claimant appealed the hearing officer's determination of her disability period on sufficiency grounds and argued that the hearing officer applied the incorrect legal standard in determining the period of disability. The respondent/cross-appellant (self-insured) appealed both the compensability and disability determinations on sufficiency grounds, and responded to the claimant's appeal, arguing in the alternative, that the hearing officer's disability determination was supported by the evidence.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant sustained a compensable injury to her right knee _____. The claimant testified that she injured her knee while debarking from the school bus that she drove for the self-insured. The medical records indicate that the claimant's right knee had contusions and some internal derangement. The self-insured argued that the claimant's pain on the alleged date of injury was caused by a preexisting, degenerative condition and was not a compensable injury. The self-insured also intimated that the incident did not occur. While the hearing officer noted that the claimant was "combative," he appears to have believed that an incident occurred on _____, in the course and scope of her employment and caused her injury.

The hearing officer is the sole judge of the weight and credibility to be given the evidence. Section 410.165(a). The parties argued different and conflicting interpretations of the evidence. The hearing officer resolved the issues. We conclude that the hearing officer's determinations are supported by the evidence and are not 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); Texas Workers' Compensation Commission Appeal No. 001360, decided July 27, 2000.

We likewise affirm the hearing officer's disability determination, as the hearing officer relied upon a doctor's recommendation regarding the period of time that the claimant would be unable to obtain or retain employment at her preinjury wage in establishing the claimant's disability period as being from August 28 through October 23, 2001. See Section 401.011(16). We do not find the hearing officer applied an incorrect legal standard in resolving the disability issue.

The hearing officer's decision and order are affirmed.

The true corporate name of the self-insured is (**SELF-INSURED**) and the name and address of its registered agent for service of process is

**SUPERINTENDENT
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Gary L. Kilgore
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Susan M. Kelley
Appeals Judge