

APPEAL NO. 022405
FILED NOVEMBER 4, 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 August 27, 2002. The hearing officer determined that the respondent's (claimant) compensable injury of _____, includes her recurrent medial and lateral meniscus tears of the right knee. The appellant (carrier) appealed, arguing that the hearing officer's determination is against the great weight and preponderance of the evidence and that the hearing officer applied the wrong legal standard. The claimant responded, urging affirmance.

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable injury on _____. The claimant testified that she continued to have problems with her right knee (postsurgery and postpregnancy). She stated that in January 2001 she sought medical treatment from her treating doctor, Dr. C, because she continued to have pain and swelling in her right knee. The medical records dated July 3 and July 15, 2002, show that the claimant had meniscal tears associated with her 1997 injury and 1998 surgeries to her right knee. The carrier contends that the claimant's meniscal tears are not a direct and natural result of the compensable injury. The carrier cites Texas Workers' Compensation Commission Appeal No. 021169, decided June 27, 2002, in which the Appeals Panel reversed the hearing officer's extent-of-injury determination where a fall was asserted to have resulted from a weakened knee and held that a fractured femur was "not a direct and natural result of the original compensable knee injury, rather, it resulted from instability, weakness, or lowered resistance from the compensable injury." We distinguish Appeal No. 021169 from the instant case in that the hearing officer relied on the medical records and the claimant's testimony to determine that the claimant's "current right knee problems are the direct and natural result of her compensable injury." In addition, Appeal No. 021169 deals with another body part, whereas the instant case deals with the same body area. The hearing officer commented in her Statement of the Evidence that "[i]t is clear from the medical records that considering the human anatomy and structural portions of the body in their relations to each other, the removal of all but a small portion of Claimant's menisci would cause the subsequent damage or harm to the remaining remnants of her right knee menisci." The evidence sufficiently supports the hearing officer's determination that the compensable injury of _____, includes her recurrent medial and lateral meniscus tears of the right knee.

An extent-of-injury issue involves a question of fact to be resolved by the hearing officer, who is the sole judge of the weight and credibility that is to be given to the evidence. Section 410.165(a). The hearing officer reviewed the record and decided

what facts were established. We conclude that the hearing officer's determination is 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).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **TRAVELERS INDEMNITY COMPANY OF CONNECTICUT** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Veronica Lopez
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Michael B. McShane
Appeals Judge