

APPEAL NO. 022945
FILED JANUARY 9, 2003

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 October 24, 2002. With respect to the issues before him, the hearing officer determined that the date of the respondent's (claimant) compensable right knee injury is _____, and that the claimant's current right knee condition, including Grade II and Grade III¹ chondromalacia and internal derangement, is a result of the compensable injury. In its appeal, the appellant (carrier) argues that the hearing officer's determinations that the claimant's date of injury is _____, and that the compensable injury extends to Grade II and Grade III chondromalacia and internal derangement in the right knee are against the great weight of the evidence. The appeal file does not contain a response to the carrier's appeal from the claimant.

DECISION

Affirmed, as modified.

The hearing officer did not err in determining that the date of the compensable injury is _____, and that the claimant's current right knee condition, including Grade II and Grade III chondromalacia and internal derangement, is a result of the compensable injury sustained on _____. Those issues presented questions of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the trier of fact, the hearing officer resolves the conflicts and inconsistencies in the evidence and decides what facts the evidence has established. Texas Employers Ins. Ass'n v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). The hearing officer was persuaded that the claimant sustained her burden of proving that the date of her compensable injury is _____, and that her compensable injury included Grade II and Grade III chondromalacia and internal derangement in the right knee. The factors emphasized by the carrier in challenging the hearing officer's determinations on appeal are the same factors it emphasized at the hearing. The significance, if any, of those factors was a matter for the hearing officer in making his credibility determinations. The hearing officer's date-of-injury and extent determinations are supported by the claimant's testimony and the testimony and documentary evidence from Dr. B. Nothing in our review of the record reveals that the challenged determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to reverse those determinations on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

¹ Throughout the hearing officer's decision, he refers to Grade I and Grade II chondromalacia; however, the parties agreed that the issue concerned whether the claimant had Grade II and Grade III chondromalacia. Thus, all references to Grade I and Grade II chondromalacia in the hearing officer's decision are changed to Grade II and Grade III chondromalacia.

The decision and order of the hearing officer are affirmed as modified to change all references to Grade I and Grade II chondromalacia to Grade II and Grade III chondromalacia .

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

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

Elaine M. Chaney
Appeals Judge

CONCUR:

Robert W. Potts
Appeals Judge

Terri Kay Oliver
Appeals Judge