

APPEAL NO. 030225
FILED MARCH 17, 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 January 9, 2003. With respect to the issues before him, the hearing officer determined that the respondent (claimant) sustained a compensable injury on _____; that he had disability, as a result of his compensable injury, from August 16, 2002, through the date of the hearing; and that the appellant (self-insured) did not waive its right to contest compensability under Section 409.021. In its appeal, the self-insured argues that the hearing officer's injury and disability determinations are against the great weight of the evidence. The appeal file does not contain a response to the self-insured's appeal from the claimant. The claimant also did not appeal the determination that the self-insured did not waive its right to contest compensability pursuant to Section 409.021.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant sustained a compensable injury on _____, and that he had disability, as a result of his compensable injury, from August 16, 2002, through the date of the hearing. 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, a juvenile detention officer with the employer, sustained his burden of proving that he injured his right knee while performing a "take-down" maneuver during training and that his knee injury caused disability for the period found. The hearing officer's determinations are supported by the claimant's testimony, the medical evidence showing that the claimant had a meniscus tear and possible anterior cruciate ligament tear in his right knee, and the off-work slips from the claimant's treating doctor. 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 the injury and disability determinations on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

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

Elaine M. Chaney
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Roy L. Warren
Appeals Judge