

APPEAL NO. 030333
FILED MARCH 28, 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 (CCH) was held on January 23, 2003. The hearing officer resolved the disputed issue by deciding that the respondent's (claimant) compensable injury of _____, extends to include an injury or aggravation to the left knee with respect to severe degeneration of the medial compartment, severe maceration and fragmentation of the medial meniscus, focal small zone of severe Grade III chondromalacia of the lateral femoral condyle, and small joint effusion. The appellant (carrier) appealed. No response was received from the claimant.

DECISION

Affirmed.

It is undisputed that the claimant sustained a compensable injury to his left knee on _____. Conflicting evidence was presented at the CCH on the disputed issues. It has been held that an injury includes the aggravation of a preexisting condition. Cooper v. St. Paul Fire & Marine Insurance Company, 985 S.W.2d 614 (Tex. App.-Amarillo 1999, no pet.). 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. Although there is conflicting evidence in this case, the hearing officer's determination is supported by the claimant's testimony and by the opinions of the treating doctor and surgeon. We conclude that the hearing officer's decision is supported by sufficient evidence and that it is 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).

Since the carrier agreed to the continuances and to the hearing officer writing to the doctors for their opinions, we find no merit in the carrier's assertion of error with regard to those matters.

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **FEDERATED MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**RUSS LARSEN
860 AIRPORT FREEWAY WEST, SUITE 500
HURST, TEXAS 75054-3286.**

Robert W. Potts
Appeals Judge

CONCUR:

Daniel R. Barry
Appeals Judge

Gary L. Kilgore
Appeals Judge