

APPEAL NO. 031415
FILED JULY 21, 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 May 6, 2003. With respect to the issues before her, the hearing officer determined that the respondent's (claimant) compensable injury of _____, extends to and includes the September 20, 2002, MRI findings of the right knee (1. Cartilaginous loss in the medial compartment of the knee; 2. Contusion vs. inner osseous ganglion just lateral to the midline with proximal tibia close to the tibial spines; 3. Equivocal evidence of a small tear of the posterior horn of the medial meniscus laterally); and that the claimant had disability, as a result of his compensable injury, from September 27 to October 11, 2002, from January 22 to January 28, 2003, and from February 17, 2003, through the date of the hearing. In its appeal, the appellant (carrier) argues that the hearing officer's determinations are against the great weight and preponderance of the evidence. In his response, the claimant urges affirmance. Prior to the hearing, the parties resolved a third issue by agreeing that the claimant's average weekly wage is \$287.70.

DECISION

Affirmed.

The hearing officer did not err in determining that the _____, compensable injury includes MRI findings of the right knee or that the claimant had disability for the periods found as a result of his compensable injury. Those issues presented factual questions for the hearing officer. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). There was conflicting evidence presented on the disputed issues. It was for the hearing officer, as the trier of fact, to resolve the conflicts and inconsistencies in the evidence and to determine what facts had been established. Garza v. Commercial Ins. Co., 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). Nothing in our review of the record reveals that the hearing officer's extent-of-injury or disability determinations are so contrary to the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. As such, no sound basis exists for us to reverse those determinations on appeal. 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 **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**ROBERT PARNELL
8144 WALNUT HILL LANE, SUITE 1600
DALLAS, TEXAS 75231-4813.**

Elaine M. Chaney
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Veronica Lopez-Ruberto
Appeals Judge