

APPEAL NO. 032340
FILED OCTOBER 14, 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 August 11, 2003. The hearing officer determined that the compensable injury sustained by respondent (claimant herein) on _____, extends to include a torn left medial meniscus, but does not extend to include left knee osteoarthritis. Appellant self-insured (carrier herein) appealed, asserting that the above determinations are against the great weight and preponderance of the evidence. Claimant urges affirmance of the hearing officer's decision that her compensable injury of _____, extends to include the torn left medial meniscus. The hearing officer's determination that the compensable injury of _____, does not extend to include left knee osteoarthritis was not appealed and is now final. Section 410.169.

DECISION

We affirm.

It is undisputed that the claimant sustained a compensable injury to her right knee and shoulder on _____. The disputed issue is whether the compensable injury extends to include the torn left medial meniscus. Carrier asserted that the claimant's fall was not the producing cause of the claimant's left knee injury, relying on a previous diagnosis of bilateral degenerative osteoarthritis as the cause of the claimant's torn left medial meniscus. Extent of injury is a factual determination for the hearing officer to resolve. The hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence, as well as the weight and credibility that is to be given to the evidence. Section 410.165(a). The hearing officer reviewed the record and the conflicting medical evidence, and was persuaded that the compensable injury of _____, was the producing cause of the claimant's torn left medial meniscus. 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).

We affirm the hearing officer's decision and order.

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

**LC
(ADDRESS)
(CITY), TEXAS (ZIP CODE)**

Judy L. S. Barnes
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Margaret L. Turner
Appeals Judge