

APPEAL NO. 032639
FILED NOVEMBER 19, 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 September 11, 2003. The hearing officer determined that the respondent's (claimant) _____, injury extends to left knee compartmental changes; that the appellant (carrier) tendered a bona fide offer of employment (BFOE) to the claimant on November 6, 2002, but withdrew it on the same day when the claimant was released to full duty; and that the claimant had disability from December 7, 2002, through the date of the hearing. The carrier appeals these determinations. The claimant urges affirmance of the hearing officer's decision.

DECISION

Affirmed.

These disputed issues in this case involved factual questions 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)) and resolves the conflicts and inconsistencies in the evidence including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). It was the hearing officer's prerogative to believe all, part, or none of the testimony of any witness, including that of the claimant. Aetna Insurance Company v. English, 204 S.W.2d 850 (Tex. Civ. App.-Fort Worth 1947, no writ). The hearing officer determined that the claimant aggravated his preexisting left knee condition on the date of injury and that, consequently, the compensable knee strain includes the left knee compartmental changes; that a BFOE was tendered on November 6, 2002, and withdrawn later the same day; and that the claimant had disability from December 7, 2002, through the date of the hearing. In view of the evidence presented, we cannot conclude that the complained-of determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986). We additionally note that there is medical evidence to support that the injury in question resulted in an enhancement, acceleration, or worsening of the underlying knee condition. See Texas Workers' Compensation Commission Appeal No. 94428, decided May 26, 1994.

The hearing officer's decision and order are affirmed.

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

**ROBIN M. MOUNTAIN
6600 CAMPUS CIRCLE DRIVE EAST, SUITE 300
IRVING, TEXAS 75063.**

Chris Cowan
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Robert W. Potts
Appeals Judge