

APPEAL NO. 040780
FILED MAY 24, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A consolidated contested case hearing (CCH) was held on March 8, 2004. The hearing officer resolved the disputed issues by deciding that the respondent (claimant) sustained a compensable injury on (second date of injury); that as a result of the compensable injury of (second date of injury), the claimant had disability from May 1 through August 18, 2003; and that the compensable injury of (first date of injury), does not extend to include the current left knee chondromalacia patella with subluxation condition after (second date of injury). The appellant (carrier) appeals the hearing officer's determinations that the claimant sustained a compensable injury on (second date of injury), and that she had disability as a result of the (second date of injury), from May 1 through August 18, 2003, contending that those determinations are not supported by the evidence and are against the great weight of the evidence. No response was received from the claimant. There is no appeal of the hearing officer's determination that the compensable injury of (first date of injury), does not extend to include the current left knee chondromalacia patella with subluxation condition after (second date of injury).

DECISION

Affirmed.

The claimant claimed that she injured her left knee in a work-related incident on (second date of injury), and that she had disability as a result of that injury. The claimant had the burden to prove that she sustained a compensable injury as defined by Section 401.011(10) and that she had disability as defined by Section 401.011(16). Conflicting evidence was presented on the disputed issues at the CCH. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). The hearing officer found that on (second date of injury), the claimant sustained an injury to her left knee when she stepped out of an ambulance the wrong way while working for the employer, and that due to the (second date of injury), the claimant was unable to obtain and retain employment at wages equivalent to her preinjury wage from May 1 through August 18, 2003. The hearing officer concluded that the claimant sustained a compensable injury on (second date of injury), and that she had disability as a result of the (second date of injury), from May 1 through August 18, 2003. Although there is conflicting evidence on the disputed issues, we conclude that the hearing officer's determinations on the appealed issues are sufficiently supported by the claimant's testimony and by the reports of her treating doctor and referral doctor, and that those determinations are 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 insurance carrier is **EVEREST NATIONAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS, 75201.**

Robert W. Potts
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Gary L. Kilgore
Appeals Judge