

APPEAL NO. 041261
FILED JULY 19, 2004

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, 2004. The hearing officer determined that: (1) the compensable injury of _____, does not include a lateral meniscal tear and/or chondromalacia in the appellant's (claimant) right knee; (2) the claimant reached maximum medical improvement (MMI) on July 14, 2003, as certified by the designated doctor appointed by the Texas Workers' Compensation Commission (Commission); and (3) the claimant has an impairment rating (IR) of four percent as certified by the Commission-appointed designated doctor. The claimant appeals the determinations on sufficiency grounds. There is no response in the file from the respondent (carrier).

DECISION

Affirmed.

The hearing officer did not err in determining that the compensable injury of _____, does not include a lateral meniscal tear and/or chondromalacia in the claimant's right knee. This determination involved a question of fact 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, as the trier of fact, 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)). In view of the evidence presented, we cannot conclude that the hearing officer's extent-of-injury determination is 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, 176 (Tex. 1986).

The hearing officer did not err in determining that the claimant reached MMI on July 14, 2003, with a four percent IR, as certified by the Commission-appointed designated doctor. The claimant's challenge to the hearing officer's MMI/IR determinations is premised upon the success of her argument with regard to extent of injury. Given our affirmance of the extent-of-injury determination, we likewise affirm the hearing officer's MMI/IR determinations.

The decision and order of the hearing officer is affirmed.

The true corporate name of the carrier is **HARTFORD UNDERWRITERS 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.**

Edward Vilano
Appeals Judge

CONCUR:

Daniel R. Barry
Appeals Judge

Gary L. Kilgore
Appeals Judge