

APPEAL NO. 041532  
FILED AUGUST 17, 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 24, 2004. The hearing officer determined that the compensable injury of \_\_\_\_\_, extends to and includes the right knee; and (2) the respondent (claimant) had disability from August 27, 2002, through January 12, 2003. The appellant (carrier) appeals these determinations on legal and evidentiary grounds. The claimant did not file a response.

DECISION

Affirmed.

The hearing officer did not err in determining that the compensable injury of \_\_\_\_\_, extends to and includes the right knee. The carrier contends that the claimant's right knee injury is the result of a subsequent fall or near-fall at home and is not a direct and natural result of the compensable left knee injury. 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 Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). The hearing officer stated as one basis for her decision, "the Claimant has continued to have problems with his left knee, including problems with it giving out on him. This caused him to bear weight on his right leg/knee, which eventually caused him to have symptoms with his right knee." The hearing officer found that the claimant's right knee injury naturally flowed from his compensable left knee injury of \_\_\_\_\_. We will uphold the decision of a hearing officer if it can be sustained on any reasonable basis supported by the evidence. Daylin, Inc. v. Juarez, 766 S.W.2d 347 (Tex. App.-El Paso 1989, writ denied). In view of the evidence presented, we cannot conclude that the hearing officer's 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 had disability from August 27, 2002, through January 12, 2003. This was a question of fact for the hearing officer to resolve. Nothing in our review of the record reveals that the hearing officer's determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain, supra.

The decision and order of the hearing officer is 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

**CORPORATION SERVICE COMPANY  
800 BRAZOS, SUITE 750, COMMODORE 1  
AUSTIN, TEXAS 78701.**

---

Edward Vilano  
Appeals Judge

CONCUR:

---

Gary L. Kilgore  
Appeals Judge

---

Robert W. Potts  
Appeals Judge