

APPEAL NO. 121761  
FILED NOVEMBER 19, 2012

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 7, 2012, in [City], Texas, with [hearing officer] presiding as hearing officer. The hearing officer resolved the disputed issue by deciding that the compensable injury of [date of injury], extends to a non-displaced horizontal tear of the lateral meniscus with myxoid changes of the right knee.

The appellant/cross-respondent (self-insured) appeals the hearing officer's determination of the extent of the compensable injury arguing that there was insufficient evidence to support the hearing officer's determination. The self-insured also noted that there are contradictory findings of fact in the hearing officer's decision. The respondent/cross-appellant (claimant) responded, urging affirmance of Finding of Fact No. 3 and Conclusion of Law No. 3. The claimant cross-appealed, arguing that Finding of Fact No. 4 should be reversed. The appeal file does not contain a response from the self-insured to the claimant's cross-appeal.

DECISION

Reversed and remanded.

The parties stipulated that the claimant sustained a compensable injury on [date of injury]. At issue was whether the compensable injury extended to non-displaced horizontal tear of the lateral meniscus with myxoid changes in the right knee. The claimant testified she was an associate for employer and felt pain in her right knee while pulling a pallet of merchandise.

The hearing officer's Finding of Fact No. 3 states:

The compensable injury of [date of injury], caused a non-displaced horizontal tear of the lateral meniscus with myxoid changes of the right knee.

The hearing officer's Finding of Fact No. 4 states:

The preponderance of the evidence did not show that the compensable injury of [date of injury], caused the myxoid changes to the lateral meniscus of the right knee.

We reverse the hearing officer's decision as being internally inconsistent because his Finding of Fact No. 3 is inconsistent with his Finding of Fact No. 4 and the Decision and the Order, and remand the case for the hearing officer to make a decision

which is consistent and is supported by the evidence. No new evidentiary hearing on remand is necessary.

Pending resolution of the remand, a final decision has not been made in this case. However, since reversal and remand necessitate the issuance of a new decision and order by the hearing officer, a party who wishes to appeal from such new decision must file a request for review not later than 15 days after the date on which such new decision is received from the Texas Department of Insurance, Division of Workers' Compensation, pursuant to Section 410.202 which was amended June 17, 2001, to exclude Saturdays and Sundays and holidays listed in Section 662.003 of the Texas Government Code in the computation of the 15-day appeal and response periods. See Appeals Panel Decision 060721, decided June 12, 2006.

The true corporate name of the insurance carrier is **(a certified self-insured)** 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.**

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Margaret L. Turner  
Appeals Judge

CONCUR:

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Cynthia A. Brown  
Appeals Judge

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Thomas A. Knapp  
Appeals Judge