

APPEAL NO. 181349
FILED AUGUST 15, 2018

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 1, 2018, with the record closing on May 9, 2018, in (city), Texas, with administrative law judge presiding as the administrative law judge (ALJ). The ALJ resolved the disputed issue by deciding that the compensable injury of (date of injury), extends to a left knee meniscal tear. The appellant (carrier) appealed, disputing the ALJ's determination. The carrier also contends that the ALJ failed to make findings of fact, conclusions of law, and a decision regarding a disputed extent-of-injury condition. The appeal file does not contain a response from respondent 1 (claimant) or respondent 2 (subclaimant).

DECISION

Affirmed in part and reversed and remanded in part.

The parties stipulated, in part, that on (date of injury), the claimant sustained compensable injuries of a left knee contusion and a low back sprain. The claimant testified she was injured when she tripped and fell onto her knees while carrying a piece of furniture with a coworker.

We note that the decision states in the Evidence Presented section that ALJ's Exhibits 1 and 4 were admitted at the CCH. However, the record reflects that ALJ's Exhibits 1 through 4 were admitted at the CCH. We reform the decision to state ALJ's Exhibits 1 through 4 were admitted to reflect the correct exhibits admitted at the CCH.

The ALJ 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. *Texas Employers Insurance Association v. Campos*, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). As an appellate reviewing tribunal, the Appeals Panel will not disturb challenged factual findings of an ALJ absent legal error, unless they 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, 176 (Tex. 1986); *In re King's Estate*, 150 Tex. 662, 244 S.W.2d 660 (1951).

EXTENT OF INJURY

That portion of the ALJ's determination that the compensable injury of (date of injury), extends to a left knee meniscal tear is supported by sufficient evidence and is affirmed.

Section 410.168 provides that an ALJ's decision contain findings of fact and conclusions of law, a determination of whether benefits are due, and an award of benefits due. 28 TEX. ADMIN. CODE § 142.16 (Rule 142.16) provides that an ALJ's decision shall be in writing and include findings of fact, conclusions of law, and a determination of whether benefits are due and if so, an award of benefits due.

The extent-of-injury issue as agreed to by the parties and contained in the Benefit Review Conference (BRC) Report reflects the disputed issue was whether the compensable injury of (date of injury), extends to left knee severe degenerative tricompartmental osteoarthritis and a left knee meniscal tear. The ALJ's decision contains no findings of fact, conclusions of law, or a decision on left knee severe degenerative tricompartmental osteoarthritis, which was a condition before the ALJ to resolve, and therefore does not comply with Section 410.168 and Rule 142.16. Accordingly, we reverse the ALJ's decision as being incomplete and we remand the issue of whether the compensable injury of (date of injury), extends to left knee severe degenerative tricompartmental osteoarthritis to the ALJ for further action consistent with this decision.

SUMMARY

We affirm that portion of the ALJ's determination that the compensable injury of (date of injury), extends to a left knee meniscal tear.

We reform the decision to state ALJ's Exhibits 1 through 4 were admitted to reflect the correct exhibits admitted at the CCH.

We reverse the ALJ's decision as being incomplete and we remand the issue of whether the compensable injury of (date of injury), extends to left knee severe degenerative tricompartmental osteoarthritis to the ALJ for further action consistent with this decision.

REMAND INSTRUCTIONS

On remand the ALJ is to make findings of fact, conclusions of law, and a decision whether the compensable injury of (date of injury), extends to left knee severe degenerative tricompartmental osteoarthritis.

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 ALJ, 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 **SAFETY NATIONAL CASUALTY CORPORATION** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
1999 BRYAN STREET, SUITE 900
DALLAS, TEXAS 75201-3136.**

Carisa Space-Beam
Appeals Judge

CONCUR:

Veronica L. Ruberto
Appeals Judge

Margaret L. Turner
Appeals Judge