

APPEAL NO. 231563  
FILED DECEMBER 21, 2023

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 September 14, 2023, in (city), Texas, with (administrative law judge) presiding as the administrative law judge (ALJ). The ALJ resolved the disputed issues by deciding that: (1) the compensable injury sustained on (date of injury), does not extend to a left knee sprain, left knee medial meniscal tear, left knee lateral meniscal tear, left knee medial meniscus extrusion, left anterior cruciate ligament (ACL) disruption, or left knee post-traumatic arthritis; (2) the appellant (claimant) reached maximum medical improvement (MMI) on April 25, 2022; and (3) the claimant's impairment rating (IR) is zero percent. The claimant appealed, disputing the ALJ's determinations of extent of injury, MMI, and IR. The respondent (carrier) responded, urging affirmance of the disputed conditions, MMI, and IR determinations.

**DECISION**

Affirmed in part and reversed and rendered in part.

The parties stipulated, in part, that: the claimant sustained a compensable injury on (date of injury), that extends to at least a left knee strain; the Texas Department of Insurance, Division of Workers' Compensation (Division) appointed (Dr. F) as designated doctor on the issues of MMI, IR, and extent of injury; and sprain and strain are used interchangeably and have the same meaning for the purposes of MMI and IR. The claimant testified that he was injured on (date of injury), when he put his left foot down after stepping down from the bed of a pickup where he was greasing a part with the help of a co-worker.

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), does not extend to a left knee medial meniscal tear, a left knee lateral meniscal

tear, left knee medial meniscus extrusion, left ACL disruption, or left knee post-traumatic arthritis is supported by sufficient evidence and is affirmed.

As noted above, the parties stipulated that the terms sprain and strain are used interchangeably and have the same meaning for the purposes of MMI and IR. The parties further stipulated that the compensable injury extends to a left knee strain. Because the parties stipulated that the terms sprain and strain are used interchangeably, the ALJ's determination that the compensable injury does not extend to a left knee sprain is so against the great weight and preponderance of the evidence as to be clearly wrong or unjust. *Cain v. Bain* and *In re King's Estate, supra*. Accordingly, we reverse the ALJ's determination that the compensable injury of (date of injury), does not extend to a left knee sprain and render a new decision that the compensable injury of (date of injury), extends to a left knee sprain.

### **MMI**

The ALJ's determination that the claimant reached MMI on April 25, 2022, is supported by sufficient evidence and is affirmed.

### **IR**

The ALJ's determination that the claimant's IR is zero percent is supported by sufficient evidence and is affirmed.

### **SUMMARY**

We affirm that portion of the ALJ's determination that the compensable injury of (date of injury), does not extend to a left knee medial meniscal tear, left knee lateral meniscal tear, left knee medial meniscus extrusion, left ACL disruption, or left knee post-traumatic arthritis.

We affirm the ALJ's determination that the claimant reached MMI on April 25, 2022.

We affirm the ALJ's determination that the claimant's IR is zero percent.

We reverse the ALJ's determination that the compensable injury of (date of injury), does not extend to a left knee sprain and render a new decision that the compensable injury of (date of injury), extends to a left knee sprain.

The true corporate name of the insurance carrier is **ACE AMERICAN INSURANCE COMPANY** 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.**

---

Margaret L. Turner  
Appeals Judge

CONCUR:

---

Cristina Beceiro  
Appeals Judge

---

Carisa Space-Beam  
Appeals Judge