APPEAL NO. 001145

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 April 26, 2000. With respect to the issues before him, the hearing officer determined that the respondent's (claimant) compensable injury does not extend to a left ankle fracture or to an injury to the fourth and fifth toes on the left foot and that the claimant did not have disability from March 6, 1999, through February 8, 2000. The appellant (carrier) appeals, stating that "Finding of Fact 4 does not accurately memorialize the stipulations of the parties" and asking that the Appeals Panel reform the hearing officer's decision to correctly reflect the stipulations of the parties. In her response to the carrier's appeal, the claimant states that the carrier's appeal was "unfounded and frivolous, for it is not based upon anything in the record."

DECISION

Affirmed.

In Finding of Fact No. 4, which is the subject of this appeal, the hearing officer found that "[t]he designated doctor certified that the Claimant reached maximum medical improvement [MMI] on February 8, 2000." The carrier asserts that the parties actually stipulated that the designated doctor was Dr. G and that he certified MMI on February 8, 2000, and assessed a two percent impairment rating (IR). The carrier's assertion is wholly without merit. After reviewing the audio recording of the hearing, it is apparent that Finding of Fact No. 4 is a verbatim statement of the fourth stipulation made by the parties. There was no mention of the name of the designated doctor or his IR at the time the stipulation was made and the carrier's contention that the hearing officer erred in recording the stipulation finds no support in the record.

The hearing officer's decision and order are affirmed.

Elaine M. Chaney
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Dorian E. Ramirez
Appeals Judge