

APPEAL NO. 011884
FILED SEPTEMBER 19, 2001

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 July 18, 2001. With regard to the issues before him, the hearing officer determined that the appellant (claimant herein) reached maximum medical improvement (MMI) on June 12, 1997, with a 12% impairment rating (IR) based upon the certification a designated doctor selected by the Texas Workers' Compensation Commission (Commission). The claimant appeals, arguing that it was unfair that she was not assessed impairment for her left upper extremity when she underwent a left carpal tunnel release in October 2000. The claimant also complains that she has had difficulty obtaining medical benefits for her injury. The respondent (carrier herein) denies the claimant's allegations concerning medical benefits and argues that the Appeals Panel does not have jurisdiction over these complaints. The carrier contends that the hearing officer correctly determined the issues of MMI and IR in that the claimant failed to challenge the designated doctor's certification of MMI and IR in a reasonable amount of time.

DECISION

Finding sufficient evidence to support the decision of the hearing officer and no reversible error in the record, we affirm the decision and order of the hearing officer.

First, we note that the only issues before the hearing officer were MMI and IR. Therefore, these are the only issues over which we have jurisdiction on appeal. While we do not address issues surrounding the claimant's medical care, we do note that the claimant is entitled to lifetime reasonable and necessary medical care for her compensable injury. See Section 408.021.

The issues of MMI and IR in this case turn on the factual finding by the hearing officer that the attempt to modify the IR (and MMI) in this case was done within a reasonable amount of time. The parties stipulated that the claimant sustained a compensable injury on _____, and that this injury included an injury to the claimant's cervical spine and bilateral carpal tunnel syndrome. There were three certifications of MMI and IR in evidence. Dr. D certified on a Report of Medical Evaluation (TWCC-69) dated August 19, 1996, that the claimant attained MMI on August 19, 1996, with a 12% IR. Dr. R certified on a TWCC-69 dated March 5, 1997, that the claimant attained MMI on March 3, 1997, with a 2% IR. Dr. C, the designated doctor selected by the Commission, certified on a TWCC-69 dated June 12, 1997, that the claimant attained MMI on June 12, 1997, with a 12% IR.

There was evidence that at the time of Dr. C's examination, the claimant's left upper extremity was asymptomatic and did not become symptomatic until August 2000. The claimant underwent a left carpal tunnel release on October 13, 2000. The claimant seeks

to have the designated doctor amend her report to include impairment for the left upper extremity in light of this surgery.

The hearing officer found that the claimant had not attempted to obtain amendment of the designated doctor's IR in a reasonable amount of time. In light of Appeals Panel precedent, we cannot say that the hearing officer erred as a matter of law in finding that the claimant did not seek amendment of the designated doctor's IR certification in a reasonable amount of time under the circumstances of this case. See Texas Workers' Compensation Commission Appeal No. 972233, decided December 12, 1997; Texas Workers' Compensation Commission Appeal No. 972423, decided January 2, 1998; Texas Workers' Compensation Commission Appeal No. 981773, decided September 17, 1998.

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **TRAVELERS INDEMNITY COMPANY OF CONNECTICUT** and the name and address of its registered agent for service of process is

**C T CORPORATION SYSTEM
350 NORTH ST. PAUL ST.
DALLAS, TX 75201.**

Gary L. Kilgore
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Michael B. McShane
Appeals Judge