

APPEAL NO. 030507
FILED APRIL 9, 2003

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 January 23, 2003. With respect to the issue before him, the hearing officer determined that the appellant (claimant) is not entitled to supplemental income benefits (SIBs) for the fourth quarter, because he did not provide a narrative from a doctor that specifically explained why the injury caused a complete inability to work as is required in Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102(d)(4) (Rule 130.102(d)(4)). In his appeal, the claimant essentially argues that the hearing officer's determinations that he did not provide a sufficient narrative to satisfy Rule 130.102(d)(4) and that he is not entitled to SIBs for the fourth quarter are against the great weight of the evidence. In its response to the claimant's appeal, the respondent (carrier) urges affirmance.

DECISION

Affirmed.

The hearing officer determined that the claimant had no ability to work based upon his observation of the claimant and his review of the evidence; however, he further determined that the evidence from the claimant's doctors was insufficient to satisfy the requirement of being a narrative from a doctor specifically explaining how the injury caused a total inability to work. In the document that the claimant offered to satisfy the narrative requirement of Rule 130.102(d)(4), Dr. F stated:

[Claimant] is a patient of mine. At this time, he is totally disabled and not available for gainful employment. The reason for this is that he underwent a 360° fusion from L4-S1 on 3-18-02 and it is still somewhat early to determine whether he has gone onto a solid fusion. The surgery was done for pseudoarthrosis.

Our review of this statement does not demonstrate that the hearing officer erred in determining that it does not satisfy the requirements to serve as a narrative under Rule 130.102(d)(4). This is particularly true in that the statement does not provide any explanation as to how and why the claimant's injury and the treatment, including the two-level 360° fusion, preclude him from working in any capacity including part-time, sedentary work. That is, the report does not detail what it is about the claimant's condition that precludes him from performing any work activity; rather, it merely concludes that he cannot. With the evidence in this posture, we cannot agree that the hearing officer erred in determining that the claimant's evidence was insufficient to satisfy the narrative requirement of Rule 130.102(d)(4). As such, no basis exists for us to disturb that determination, or the determination that the claimant is not entitled to SIBs for the fourth quarter, on appeal.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **LIBERTY MUTUAL FIRE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEMS
350 NORTH ST. PAUL, SUITE 2900
DALLAS, TEXAS 75201.**

Elaine M. Chaney
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Thomas A. Knapp
Appeals Judge