

APPEAL NO. 090661
FILED JULY 2, 2009

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on April 15, 2009. The hearing officer resolved the disputed issues by deciding that: (1) the appellant (claimant) reached maximum medical improvement (MMI) on May 8, 2008, as certified by (Dr. J), the designated doctor and (2) the claimant's impairment rating (IR) is zero percent as assigned by Dr. J. The claimant appeals the hearing officer's determinations, and also contends that the hearing officer's decision is incomplete because the hearing officer failed to make a determination on an added issue of disability. The respondent (self-insured) responds, urging affirmance.

DECISION

Affirmed in part, reversed and remanded in part.

MMI/IR

The hearing officer's decision that the claimant reached MMI on May 8, 2008, with a zero percent IR is supported by sufficient evidence and is affirmed.

DISABILITY

On March 24, 2009, the claimant filed a motion to add the following issue: "[d]id the [c]laimant have disability resulting from the _____ compensable injury and if so, for what period(s)?" On March 31, 2009, the hearing officer granted the motion to add the issue. Both of these documents were admitted into evidence at the CCH. At the CCH both parties agreed to modify the issue to reflect the period of disability in dispute, from May 27, 2008, through the date of the CCH, April 15, 2009. The hearing officer failed to make findings of fact, conclusions of law, or a decision regarding the disability issue.

The hearing officer erred in failing to address whether the claimant sustained disability from May 27, 2008, through April 15, 2009. Accordingly, we reverse the hearing officer's decision as being incomplete and remand the case for the hearing officer to consider and make findings of fact, conclusions of law, and a decision on the claimed period of disability. No additional evidence is required.

SUMMARY

We affirm the hearing officer's determinations that the claimant reached MMI on May 8, 2008, with a zero percent IR. We reverse and remand this case for the hearing

officer to make a determination on the issue of whether the claimant had disability from May 27, 2008, through April 15, 2009.

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 hearing officer, 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 **(a certified self-insured)** and the name and address of its registered agent for service of process is

(NAME)
(ADDRESS)
(CITY), TEXAS (ZIP CODE).

Margaret L. Turner
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Veronica L. Ruberto
Appeals Judge