

APPEAL NO. 101548
FILED NOVEMBER 30, 2010

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 23, 2010. The hearing officer partially resolved the disputed issues by deciding that the appellant (claimant) did not sustain disability from August 31, 2009, through January 14, 2010, as a result of the compensable injury of _____, and that the first certification of maximum medical improvement (MMI) and impairment rating (IR) assigned by (Dr. L) on August 14, 2009, did become final pursuant to Section 408.123.

The claimant appealed, disputing the hearing officer's determinations of disability and that the first certification assigned by Dr. L became final. The claimant also contends that the hearing officer committed legal error because the hearing officer did not resolve the certified issues before her of MMI and IR. The respondent (carrier) responded, urging affirmance. The carrier contends that because the first certification of MMI and IR assigned by Dr. L became final that the correct date of MMI and IR must be those certified by Dr. L.

DECISION

Affirmed in part and reversed and rendered in part.

The parties stipulated that the claimant sustained a compensable injury on _____. There were four issues in dispute before the hearing officer: (1) Did the claimant have disability from a compensable injury sustained on _____, from August 31, 2009, through January 14, 2010?; (2) Did the first certification of MMI and assigned IR from Dr. L on August 14, 2009, become final pursuant to Section 408.123?; (3) What is the date of MMI?; and (4) What is the claimant's IR?

The hearing officer's determinations that the claimant did not sustain disability from August 31, 2009, through January 14, 2010, as a result of the _____, injury and that the first certification of MMI and IR assigned by Dr. L on August 14, 2009, did become final pursuant to Section 408.123 are supported by sufficient evidence and are affirmed.

The hearing officer failed to make findings of fact, conclusions of law, or a decision on the disputed issues of MMI and IR. However, as previously noted the hearing officer determined that the first certification of MMI and IR assigned by Dr. L on August 14, 2009, became final pursuant to Section 408.123. The hearing officer's determination on finality of the first certification of MMI and IR has been affirmed. Accordingly, we reverse the hearing officer's decision as being incomplete and render a new decision that the claimant reached MMI on _____, with a zero percent IR

as determined in the first certification of MMI and IR assigned by Dr. L on August 14, 2009.

The true corporate name of the insurance carrier is **HARTFORD INSURANCE COMPANY OF THE MIDWEST** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
211 EAST 7TH STREET, SUITE 620
AUSTIN, TEXAS 78701-3232.**

Margaret L. Turner
Appeals Judge

CONCUR:

Cynthia A. Brown
Appeals Judge

Thomas A. Knapp
Appeals Judge