

APPEAL NO. 111327  
FILED OCTOBER 31, 2011

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 August 2, 2011. The hearing officer resolved the disputed issue by deciding that the compensable injury of (date of injury), extends to aggravation of pre-existing lumbar degenerative disc disease and lumbar radiculopathy. The appellant (carrier) appealed the hearing officer's determination of extent of the claimant's (date of injury), compensable injury. The respondent (claimant) responded, urging affirmance.

DECISION

Affirmed in part and reversed and rendered in part.

The parties stipulated that the claimant sustained a compensable injury on (date of injury), and that (Dr. D) was appointed as second designated doctor to determine the extent of the compensable injury. The hearing officer found that "[a] preponderance of the evidence is not contrary to the opinion of the designated doctor regarding the extent of the compensable injury." The hearing officer's determination that the compensable injury of (date of injury), extends to aggravation of pre-existing lumbar degenerative disc disease and lumbar radiculopathy is supported by sufficient evidence and is affirmed.

The hearing officer's decision reflects that for good cause and by agreement of the parties the following issue was added: "Was [(Dr. DY)] properly appointed as designated doctor?" The parties stipulated at the CCH that Dr. DY was not properly appointed as designated doctor as he was disqualified due to his association as a physician with the (company name) and the claimant was treated by physicians within the (company name). Although the hearing officer included the stipulations in her decision, she failed to make a conclusion of law or decision on the issue added for good cause and by agreement of the parties regarding whether Dr. DY was properly appointed as designated doctor. Because the hearing officer failed to make a determination on this issue, the hearing officer's decision is reversed as being incomplete. See Appeals Panel Decision 101909, decided February 28, 2011. Based on the parties stipulation of the disqualifying association of Dr. DY, we render a new decision that Dr. DY was not properly appointed as designated doctor.

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

**MR. RON O. WRIGHT, PRESIDENT  
6210 EAST HIGHWAY 290  
AUSTIN, TEXAS 78723.**

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Margaret L. Turner  
Appeals Judge

CONCUR:

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Cynthia A. Brown  
Appeals Judge

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Thomas A. Knapp  
Appeals Judge