

APPEAL NO. 111938  
FILED FEBRUARY 24, 2012

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 commenced on November 16, 2011, with the record closing on December 5, 2011, in [City], Texas, with [hearing officer] presiding as hearing officer. The issues at the CCH were the date of maximum medical improvement (MMI), the respondent's (claimant) impairment rating (IR) and whether the claimant was entitled to reimbursement of travel expenses for medical treatment at the direction of [Dr. R], the treating doctor. The hearing officer determined that the claimant reached MMI on December 1, 2010, with a 0% IR and that the claimant is not entitled to reimbursement of travel expenses for medical treatment at the direction of Dr. R. The hearing officer's determination that the claimant is not entitled to reimbursement for travel expenses for medical treatment at the direction of Dr. R has not been appealed and has become final pursuant to Section 410.169.

The appellant (self-insured) appealed, contending that the hearing officer made a clerical error in determining the claimant had a 0% IR and requested correction of the name of the self-insured. The appeal file does not contain a response from the claimant.

DECISION

Reversed and rendered.

The Insurance Carrier Information form submitted by the self-insured, states the Carrier's True Corporate Name is [Self-Insured]. A Notification of [MMI]/First Impairment Income Benefit Payment (PLN-3) lists [Self-Insured] as the carrier. The hearing officer, in Finding of Fact No. 3, found that the claimant was an employee of [Employer], a self-insured entity other than the self-insured in this case. We reverse Finding of Fact No. 3 and render a new finding that on [date of injury], the claimant was an employee of the self-insured, when he sustained a compensable injury.

The hearing officer, in the Background Information and Finding of Fact No. 5, found that the claimant failed to appear for the November 16, 2011, CCH and failed to respond to the 10-day letter. That finding was not appealed and has become final. In the Background Information portion of the decision the hearing officer commented that "[t]he evidence preponderates that [the] [c]laimant reached [MMI] on December 1, 2010, with a 0% [IR] in accordance with the findings of [(Dr. S)], the designated doctor." In fact, the report of Dr. S, in evidence, certified that the claimant reached clinical MMI on December 1, 2010, with a 10% IR. The only certification of MMI/IR in evidence is from

Dr. S assessing a 10% IR. There is no certification of a 0% IR in evidence. The treating doctor signed Dr. S's Report of Medical Evaluation (DWC-69) agreeing with the 10% IR.

In reviewing a "great weight" challenge, we must examine the entire record to determine if: (1) there is only "slight" evidence to support the finding; (2) the finding is so against the great weight and preponderance of the evidence as to be clearly wrong and manifestly unjust; or (3) the great weight and preponderance of the evidence supports its nonexistence. See Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

In Finding of Fact No. 6, the hearing officer found that the 0% IR certified by Dr. S is supported by a preponderance of the evidence. We reverse Finding of Fact No. 6 as being so against the great weight and preponderance of the evidence as to be clearly wrong and manifestly unjust. We render a new finding that the 10% IR certified by Dr. S is supported by a preponderance of the evidence.

In Conclusion of Law No. 3, we reverse the hearing officer's determination that the claimant has a 0% IR as being so against the great weight and preponderance of the evidence as to be clearly wrong and manifestly unjust. We render a new decision that the claimant has a 10% IR.

In the hearing officer's Decision portion of the decision and order we reverse so much of the decision that states the claimant has "a 0% [IR]" and render a new decision that the claimant has a 10% IR.

The true corporate name of the insurance carrier is **[SELF-INSURED] (a certified self-insured)** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM  
350 NORTH ST. PAUL STREET  
DALLAS, TEXAS 75201.**

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Cynthia A. Brown  
Appeals Judge

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Margaret L. Turner  
Appeals Judge