APPEAL NO. 122479
JANUARY 24, 2013

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 October 10, 2012, in [City], Texas, with [hearing officer] presiding as hearing officer. The hearing officer resolved the disputed issues by deciding that: (1) the compensable injury of [date of injury], does not extend to a right central disc protrusion with subtle annular tear at L5-S1; (2) the respondent/cross-appellant (claimant) reached maximum medical improvement (MMI) on June 16, 2011; and (3) the claimant's impairment rating (IR) is 7%.

The appellant/cross-respondent (carrier) appealed, arguing that the hearing officer's decision and order includes a stipulation that the parties never made. The claimant responded. The claimant cross-appealed, disputing the hearing officer's determinations of MMI, IR, and extent of injury. The carrier responded to the claimant's appeal, urging affirmance of disputed determinations.

DECISION

Affirmed as reformed.

The parties stipulated that the claimant sustained a compensable injury on [date of injury], at least in the form of a pelvic fracture status post ORIF on the left; left chest rib fractures; thoracic spinous process fractures multiple levels; left scapular fracture; laceration right kidney; and bilateral hips. The claimant testified that he was injured when a meat grinder weighing over 900 pounds fell on him.

EXTENT OF INJURY

The hearing officer's determination that the compensable injury of [date of injury], does not extend to a right central disc protrusion with subtle annular tear at L5-S1 is supported by sufficient evidence and is affirmed. We note that the hearing officer in her decision mistakenly referred to the date of injury as September 19, 2011, rather than the correct date of injury of [date of injury], in her extent-of-injury determination. We reform the hearing officer's decision to reflect the correct date of injury, [date of injury].

MMI AND IR

The hearing officer's determinations that the claimant reached MMI on June 16, 2011, and that the claimant's IR is 7% is supported by sufficient evidence and is affirmed.

STIPULATIONS

The carrier argues in its appeal that the parties did not stipulate to Finding of Fact 1.F. included in the hearing officer's decision and order. Finding of Fact 1.F. states that the parties stipulated: "[t]he treating doctor, [Dr. Z], D.C., certified that [the] [c]laimant reached [MMI] on September 7, 2011, and assigned a 25% [IR]."

Finding of Fact 1.E. states that the parties stipulated: "[t]he [Texas Department of Insurance, Division of Workers' Compensation]-selected designated doctor, [Dr. H], D.O., certified that [the] [c]laimant reached [MMI] on June 16, 2011, and assigned a 7% [IR]."

Finding of Fact 1.G. states that the parties stipulated: "[the] [c]arrier's choice of doctor, [Dr. L], M.D., certified that [the] [c]laimant reached [MMI] on June 16, 2011, and assigned a 5% [IR]."

A review of the record reflects that the parties did not stipulate to Finding of Fact 1.E., 1.F., or 1.G. Accordingly, the hearing officer's decision is reformed by striking Findings of Fact 1.E., 1.F., and 1.G.

The true corporate name of the insurance carrier is **TRAVELERS INDEMNITY COMPANY OF CONNECTICUT** and the name and address of its registered agent for service of process is

CORPORATION SERVICE COMPANY
D/B/A CSC-LAWYERS INCORPORATING SERVICE COMPANY
211 EAST 7TH STREET, SUITE 620
AUSTIN, TEXAS 78701-3218.

Margaret L. Turner
Appeals Judge

CONCUR:

Cynthia A. Brown
Appeals Judge

Thomas A. Knapp
Appeals Judge