

APPEAL NO. 130267  
FILED MARCH 14, 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 December 14, 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 lumbar disc protrusion at L4-5, lumbar disc displacement, lumbar facet syndrome, chronic low back pain, S1 radiculopathy, a left knee meniscus tear, left shoulder rotator cuff tear, AC joint hypertrophy, left shoulder impingement syndrome, left shoulder type 2 superior labrum from anterior to posterior (SLAP) tear, adhesions, and joint synovitis; (2) the appellant (claimant) reached maximum medical improvement (MMI) on January 10, 2012; (3) the claimant's impairment rating (IR) is five percent; and (4) the hearing officer in a finding of fact and conclusion of law determined that the compensable injury of [date of injury], extends to a lumbar strain, a left knee strain, and a left shoulder strain.

The claimant appealed, disputing the hearing officer's determinations of the extent-of-injury conditions that were not favorable to her, as well as the MMI date and the IR. The respondent (carrier) responded, urging affirmance of the disputed determinations.

**DECISION**

Affirmed in part and reversed and rendered in part.

The parties stipulated that the Texas Department of Insurance, Division of Workers' Compensation appointed [Dr. E] as the designated doctor for determining MMI, IR, and ability to return to work. It was undisputed that the claimant sustained a compensable injury of [date of injury]. At issue was the extent of the compensable injury as well as the claimant's MMI and IR.

**EXTENT OF INJURY**

The hearing officer's determination that the compensable injury does not extend to lumbar disc protrusion at L4-5, lumbar disc displacement, lumbar facet syndrome, chronic low back pain, S1 radiculopathy, a left knee meniscus tear, left shoulder rotator cuff tear, AC joint hypertrophy, left shoulder impingement syndrome, left shoulder type 2 SLAP tear, adhesions, and joint synovitis, is supported by sufficient evidence and is affirmed.

The hearing officer found in Finding of Fact No. 4 that a lumbar strain, a left knee strain, and a left shoulder strain arose out of or naturally flowed from the compensable injury of [date of injury]. This finding is supported by sufficient evidence. Additionally, the hearing officer determined in Conclusion of Law No. 3 that the compensable injury of [date of injury], extends to a lumbar strain, a left knee strain, and a left shoulder strain. However, the hearing officer in the Decision portion of his decision and order determined that the compensable injury did not extend to lumbar strain, left knee strain, and left shoulder strain. Accordingly, we reverse the hearing officer's decision that the compensable injury of [date of injury], does not extend to a lumbar strain, a left knee strain, and a left shoulder strain and render a new decision that the compensable injury extends to a lumbar strain, a left knee strain, and a left shoulder strain to conform with the applicable finding of fact and conclusion of law.

#### **MMI/IR**

The hearing officer's determination that the claimant reached MMI on January 10, 2012, with a five percent IR is supported by sufficient evidence and is affirmed.

## **SUMMARY**

We affirm the hearing officer's decision that the compensable injury of [date of injury], does not extend to lumbar disc protrusion at L4-5, lumbar disc displacement, lumbar facet syndrome, chronic low back pain, S1 radiculopathy, a left knee meniscus tear, left shoulder rotator cuff tear, AC joint hypertrophy, left shoulder impingement syndrome, left shoulder type 2 SLAP tear, adhesions, and joint synovitis.

We affirm the hearing officer's decision that the claimant reached MMI on January 10, 2012, with a five percent IR.

We reverse the hearing officer's decision that the compensable injury of [date of injury], does not extend to a lumbar strain, a left knee strain, and a left shoulder strain and render a new decision that the compensable injury of [date of injury], extends to a lumbar strain, a left knee strain, and a left shoulder strain.

The true corporate name of the insurance carrier is **EMPLOYERS INSURANCE COMPANY OF WAUSAU** 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.**

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Margaret L. Turner  
Appeals Judge

CONCUR:

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Thomas A. Knapp  
Appeals Judge

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Carisa Space-Beam  
Appeals Judge