

APPEAL NO. 132003
FILED OCTOBER 21, 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 July 8, 2013, 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 pulmonary embolism and hypertension; (2) the appellant (claimant) reached maximum medical improvement (MMI) on October 12, 2012; (3) the claimant's impairment rating (IR) is five percent; and (4) the claimant did not have disability resulting from the compensable injury sustained on [date of injury], from August 16 through September 3, 2012.

The claimant appealed the hearing officer's determinations that were adverse to her. The respondent (carrier) responded, urging affirmance of the hearing officer's determinations.

DECISION

Affirmed in part and reversed and rendered in part.

The parties stipulated that: the claimant sustained a compensable injury on [date of injury], to include at least a left hip contusion, left knee contusion, left ankle contusion, chest wall contusion, and lumbar sprain; and the Texas Department of Insurance, Division of Workers' Compensation selected [Dr. M], as the designated doctor to determine MMI and IR.

EXTENT OF INJURY, IR, AND DISABILITY

The hearing officer's determinations that: the compensable injury of [date of injury], does not extend to pulmonary embolism and hypertension; the claimant's IR is five percent; and the claimant did not have disability resulting from an injury on [date of injury], from August 16 through September 3, 2012, are supported by the evidence and are affirmed.

CLAIMANT REACHED MMI ON OCTOBER 23, 2012

The hearing officer's decision contains inconsistencies with regard to the date of MMI. Review of the record shows that the parties stipulated on the record that the designated doctor, Dr. M, examined the claimant on October 23, 2012, and certified that the claimant reached MMI on "**October 23, 2012**" (emphasis added) and assigned a five percent IR. However, we note that the hearing officer failed to make a finding of fact, conclusion of law, and decision that the claimant reached MMI on October 23,

2012. In Finding of Fact No. 1.F., Conclusion of Law No. 4, decision, and the Background Information of the decision, the hearing officer incorrectly states that the claimant reached MMI on October 12, 2012. Also, we note that the hearing officer's Finding of Fact No. 4 states that the claimant reached MMI on October 12, **2013**. In evidence is Dr. M's Report of Medical Evaluation (DWC-69) dated October 23, 2012, that shows that Dr. M examined the claimant on October 23, 2012, and certified that the claimant reached MMI on October 23, 2012, with a five percent IR. In his narrative report dated October 23, 2012, Dr. M states that the claimant's MMI is October 23, 2012. The hearing officer's decision contains typographical errors as to the MMI date.

Because the parties' stipulated on the record that the claimant reached MMI on October 23, 2012, and Dr. M certified that the claimant reached MMI on October 23, 2012, we reverse the hearing officer's determination that the claimant reached MMI on October 12, 2012, and/or October 12, 2013, and we render a new decision that the claimant reached MMI on October 23, 2012.

The true corporate name of the insurance carrier is **INDEMNITY INSURANCE COMPANY OF NORTH AMERICA** 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.**

Veronica L. Ruberto
Appeals Judge

CONCUR:

Carisa Space-Beam
Appeals Judge

Margaret L. Turner
Appeals Judge