

APPEAL NO. 141437
FILED AUGUST 29, 2014

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 May 29, 2014, in Dallas, 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 bilateral pelvis sprain/strain, bilateral hips sprain/strain, Grade II lumbar sprain/strain, with disc displacement and annular tears at L4-5 and L5-S1; (2) the appellant (claimant) reached maximum medical improvement (MMI) on January 7, 2014; and (3) the claimant's impairment rating (IR) is zero percent. The claimant appealed, disputing the hearing officer's determinations of the extent of the compensable injury, MMI and IR. The claimant contends that the preponderance of the evidence is contrary to the opinion of the Texas Department of Insurance, Division of Workers' Compensation appointed designated doctor. The respondent (carrier) responded, urging affirmance of the disputed extent of injury, MMI, and IR determinations.

DECISION

Affirmed as reformed.

Section 410.203(b) was amended effective September 1, 2011, to allow the Appeals Panel to affirm the decision of a hearing officer as prescribed in Section 410.204(a-1). Section 410.204(a) provides, in part, that the Appeals Panel may issue a written decision on an affirmed case as described in subsection (a-1). Subsection (a-1) provides that the Appeals Panel may only issue a written decision in a case in which the panel affirms the decision of a hearing officer if the case: (1) is a case of first impression; (2) involves a recent change in law; or (3) involves errors at the CCH that require correction but do not affect the outcome of the hearing. This is a case involving an error at the CCH that requires correction but does not affect the outcome of the hearing.

The claimant testified that he was injured at work when he picked up a five gallon bucket of paint.

EXTENT OF INJURY

The hearing officer's determination that the compensable injury of [date of injury], does not extend to bilateral pelvis sprain/strain, bilateral hips sprain/strain, or Grade II lumbar sprain/strain, with disc displacement and annular tears at L4-5 and L5-S1 is supported by sufficient evidence and is affirmed.

REFORMATION OF STIPULATION 1.D.

In the Decision and Order, the hearing officer noted that the parties stipulated that the claimant sustained a compensable injury on [date of injury], which includes a Grade I lumbar sprain/strain only. However, a review of the record establishes that the parties actually stipulated that the claimant sustained a compensable injury on [date of injury], which includes a Grade I lumbar sprain/strain. The parties did not agree to include “only” as a limitation on the compensable injury. Accordingly, stipulation 1.D. will be reformed to reflect that the parties’ actual agreement by striking the word “only.”

MMI/IR

The hearing officer’s determination that the claimant reached MMI on January 7, 2014, is supported by sufficient evidence and is affirmed.

The hearing officer’s determination that the claimant’s IR is zero percent is supported by sufficient evidence and is affirmed.

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

**RICHARD J. GERGASKO, PRESIDENT
6210 HIGHWAY 290 EAST
AUSTIN, TEXAS 78723.**

Margaret L. Turner
Appeals Judge

CONCUR:

Veronica L. Ruberto
Appeals Judge

Carisa Space-Beam
Appeals Judge