

APPEAL NO. 141481  
FILED AUGUST 25, 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 September 17, 2013, and February 4, 2014, in Dallas, Texas, with [hearing officer] presiding as hearing officer. The hearing officer resolved the disputed issues by deciding that: (1) the appellant's (claimant) date of maximum medical improvement (MMI) is January 30, 2013; (2) the claimant's impairment rating (IR) is zero percent; (3) the employer did not make a bona fide offer of employment (BFOE) to the claimant, and the respondent (carrier) is not entitled to adjust the post-injury weekly earnings from February 8, 2013, through the date of the February 4, 2014, CCH; and (4) the claimant did not have disability beginning on February 8, 2013, and continuing through the date of the February 4, 2014, CCH. The claimant appealed, disputing the hearing officer's determinations of MMI, IR, and disability. The carrier responded, urging affirmance of the disputed MMI, IR, and disability determinations. The hearing officer's BFOE determination was not appealed and has become final pursuant to Section 410.169.

## 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 parties stipulated that on [date of injury], the claimant sustained a compensable injury. The claimant testified that he had a slip and fall injury on [date of injury].

### **REFORMATION OF STIPULATION 1.E.**

In the Decision and Order, the hearing officer noted that the parties stipulated that the carrier has accepted a [date of injury], compensable injury in the nature of a contusion of the right little finger, a right hand sprain/strain, a contusion of the genital organs, a right hip contusion, a right hip strain, a right thigh sprain/strain, a Grade II strain/partial tear of the semimembranosus muscle near the junction between the middle and distal thirds of the thigh and a very minimal adjacent Grade I strain of the semitendinosus. We note that at the CCH held on September 17, 2013, the parties referenced both an injury to the right thigh and right hamstring. At the CCH held on February 4, 2014, the parties stipulated on the record that the carrier accepted a [date of injury], compensable injury in the nature of a right thigh sprain/strain as well as a right hamstring sprain/strain. Review of the record establishes that the parties stipulated that the carrier accepted a right hamstring sprain/strain; however, the compensable right hamstring sprain/strain was not included in the hearing officer's Decision and Order.

Accordingly, stipulation 1.E. will be reformed to reflect the parties' actual agreement as follows:

The carrier has accepted a [date of injury], compensable injury in the nature of: (1) a contusion of the right little finger; (2) a right hand sprain/strain; (3) a contusion of the genital organs; (4) a right hip contusion; (5) a right hip strain; (6) a right thigh sprain/strain; (7) a right

hamstring sprain/strain; and (8) a Grade II strain/partial tear of the semimembranosus muscle near the junction between the middle and distal thirds of the thigh and a very minimal adjacent Grade I strain of the semitendinosus.

### **REFORMATION OF CARRIER INFORMATION**

Although not raised by the parties on appeal, we address a clerical error in the hearing officer's Decision and Order regarding the mailing address for the carrier's registered agent for service of process. At the CCH held on September 17, 2013, the parties agreed and the hearing officer admitted as Hearing Officer's Exhibit 2, the carrier information sheet, which provides that the carrier is Indemnity Insurance Company of North America and that the name and address of its registered agent for service of process is CT Corporation, 350 North St. Paul Street, Dallas, Texas 75201. The hearing officer incorrectly states in his decision that the address of the registered agent for service of process is 1999 Bryan Street, Suite 900, Dallas, Texas 75201. Accordingly, we reform the hearing officer's decision to reflect that the correct address for the carrier's registered agent for service of process is 350 North St. Paul Street, Dallas, Texas 75201.

### **MMI AND IR**

The hearing officer's determinations that the claimant's date of MMI is January 30, 2013, and the claimant's IR is zero percent are supported by sufficient evidence and are affirmed.<sup>1</sup>

### **DISABILITY**

The hearing officer's determination that the claimant did not have disability beginning on February 8, 2013, and continuing through the date of the February 4, 2014, CCH is supported by sufficient evidence and is affirmed.

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<sup>1</sup> The hearing officer adopted the designated doctor's, Dr. Richey (Dr. R), certification of MMI/IR which considers and rates the entire compensable injury.

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  
350 NORTH ST. PAUL STREET  
DALLAS, TEXAS 75201.**

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Veronica L. Ruberto  
Appeals Judge

CONCUR:

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Carisa Space-Beam  
Appeals Judge

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Margaret L. Turner  
Appeals Judge