

APPEAL NO. 151876
FILED NOVEMBER 17, 2015

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 August 20, 2015, in Austin, Texas, with (hearing officer) presiding as hearing officer. The hearing officer resolved the disputed issues by deciding that: (1) the compensable injury does not extend to an injury to the lumbar spine, the left knee, the right knee ruptured lateral meniscus, internal derangement, chondromalacia of the patella and trochlea, and bilateral knee chondromalacia of the lateral tibial plateau and lateral femoral condyle; (2) the appellant (claimant) reached maximum medical improvement (MMI) on the statutory date of April 26, 2013; and (3) the claimant had no permanent impairment for the compensable injury.

The claimant appealed, disputing the hearing officer's determinations of the extent of the compensable injury, MMI and impairment rating (IR). The claimant contends that the certification of MMI/IR from the designated doctor adopted by the hearing officer does not consider all of the conditions that are part of the compensable injury. Further the claimant maintains that the testimony and medical records provided at the CCH establish that the conditions in dispute are part of the compensable injury. The respondent (carrier) responded, urging affirmance of the disputed determinations of the extent of the injury, MMI, and IR.

DECISION

Affirmed as reformed.

The parties stipulated in part that the claimant sustained a compensable injury on (date of injury); the date of statutory MMI is April 26, 2013; and that the carrier has accepted as compensable a right knee contusion. The claimant testified she was injured when she hit her knee on the outside drawer area of a desk.

EXTENT OF INJURY

The Benefit Review Conference (BRC) Report identified the following extent-of-injury issue: Does the compensable injury of (date of injury), extend to the lumbar spine, the left knee, the right knee ruptured lateral meniscus, internal derangement, chondromalacia of the patella and trochlea, and bilateral knee chondromalacia of the lateral tibial plateau and lateral femoral condyle? At the CCH, the hearing officer asked if the parties wanted to modify the extent-of-injury issue and "stop this issue at bilateral knee chondromalacia." Both parties agreed to modify the extent-of-injury issue. The

decision and order of the hearing officer reflects that the parties agreed to modify the extent-of-injury issue as follows: “Does the compensable injury of (date of injury), extend to the lumbar spine, the left knee, the right knee ruptured lateral meniscus, internal derangement, chondromalacia of the patella and trochlea, and bilateral knee chondromalacia?” However, in Finding of Fact No. 4, Conclusion of Law No. 3, and the Decision, the hearing officer determined in part that the compensable injury does not extend to “bilateral knee chondromalacia of the lateral tibial plateau and lateral femoral condyle.”

That portion of the hearing officer’s determination that the compensable injury does not extend to the lumbar spine, the left knee, the right knee ruptured lateral meniscus, internal derangement, chondromalacia of the patella and trochlea, and bilateral knee chondromalacia is supported by sufficient evidence and is affirmed. We reform the hearing officer’s extent-of-injury determination by striking that portion of the Finding of Fact No. 4, Conclusion of Law No. 3, and the Decision “of the lateral tibial plateau and lateral femoral condyle” following bilateral knee chondromalacia to conform to the issue as modified by the parties at the CCH.

MMI

The hearing officer’s determination that the claimant reached MMI on the statutory date of April 26, 2013, is supported by sufficient evidence and is affirmed.

IR

The hearing officer’s determination that the claimant had no permanent impairment for the compensable injury is supported by sufficient evidence and is affirmed.

SUMMARY

We affirm the hearing officer’s determination that the compensable injury does not extend to the lumbar spine, the left knee, the right knee ruptured lateral meniscus, internal derangement, chondromalacia of the patella and trochlea, and bilateral knee chondromalacia as reformed by striking “of the lateral tibial plateau and lateral femoral condyle”.

We affirm the hearing officer’s determination that the claimant reached MMI on the statutory date of April 26, 2013.

We affirm the hearing officer’s determination that the claimant had no permanent impairment for the compensable injury.

The true corporate name of the insurance carrier is **ACE AMERICAN INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
1999 BRYAN STREET, SUITE 900
DALLAS, TEXAS 75201-3136.**

Margaret L. Turner
Appeals Judge

CONCUR:

Veronica L. Ruberto
Appeals Judge

Carisa Space-Beam
Appeals Judge