

APPEAL NO. 160755

FILED JUNE 3, 2016

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 March 23, 2016, in Houston, Texas, with (hearing officer) presiding as hearing officer. The hearing officer resolved the disputed issues by deciding that: (1) the medial and lateral menisci tears of the left knee were caused or aggravated by the (date of injury), compensable injury; (2) the respondent (claimant) has not reached maximum medical improvement (MMI); (3) because the claimant has not reached MMI, no impairment rating (IR) is assigned; and (4) the claimant had disability beginning on December 6, 2014, and continuing through August 5, 2015, but the claimant did not have disability beginning on August 6, 2015, and continuing through the date of the CCH. The appellant (carrier) appeals the hearing officer's determinations of the extent of the compensable injury, MMI, and IR arguing that the evidence does not support the hearing officer's determinations. The claimant responded, urging affirmance of the disputed determinations. The hearing officer's determination that the claimant had disability beginning on December 6, 2014, and continuing through August 5, 2015, but the claimant did not have disability beginning on August 6, 2015, and continuing through the date of the CCH was not appealed and has become final pursuant to Section 410.169.

DECISION

Affirmed as reformed.

The parties stipulated that on (date of injury), the claimant sustained a compensable injury at least in the form of a left knee sprain/strain.

EXTENT OF INJURY

At issue was whether the compensable injury extends to medial and lateral menisci tears of the left knee. The hearing officer found that the claimant's medial and lateral menisci tears of the left knee were caused or aggravated by the compensable injury. That finding is supported by sufficient evidence and is affirmed. However, the hearing officer used the same language contained in her Finding of Fact No. 4, in Conclusion of Law No. 3, and her decision rather than make a determination that the compensable injury extended to the disputed conditions. As noted above her finding of fact regarding the extent-of-injury issue was supported by sufficient evidence.

Accordingly, we reform Conclusion of Law No. 3 and the decision to conform to the disputed issue as follows: the compensable injury of (date of injury), extends to medial and lateral menisci tears of the left knee.

MMI AND IR

The hearing officer's determination that the claimant has not reached MMI is supported by sufficient evidence and is affirmed.

The hearing officer's determination that because the claimant has not reached MMI, no IR can be assessed is supported by sufficient evidence and is affirmed.

SUMMARY

We affirm as reformed the hearing officer's determination that the compensable injury of (date of injury), extends to medial and lateral menisci tears of the left knee.

We affirm the hearing officer's determination that the claimant has not reached MMI.

We affirm the hearing officer's determination that because the claimant has not reached MMI, no IR can be assessed.

The true corporate name of the insurance carrier is **SAFETY NATIONAL CASUALTY CORPORATION** 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.**

Margaret L. Turner
Appeals Judge

CONCUR:

K. Eugene Kraft
Appeals Judge

Carisa Space-Beam
Appeals Judge