APPEAL NO. 172007
FILED OCTOBER 18, 2007

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 24, 2017, in (city), Texas, with (administrative law judge) presiding as the administrative law judge (ALJ).[1] The ALJ resolved the disputed issues by deciding that the respondent (claimant) reached maximum medical improvement (MMI) on June 13, 2016, with an impairment rating (IR) of six percent.

The appellant (carrier) appealed the ALJ's determinations as being contrary to the great weight and preponderance of the evidence.

The appeal file does not contain a response from the claimant.

DECISION

Affirmed as reformed.

The claimant testified that he was injured when he fell from a ladder causing injury to his left knee. The parties stipulated, in part, that the claimant sustained a compensable injury on (date of injury); that the carrier has accepted as compensable a left tibial plateau fracture, left lateral meniscus tear, and left knee traumatic arthropathy; that the designated doctor selected by the Texas Department of Insurance, Division of Workers' Compensation (Division), (Dr. A), certified that the claimant reached MMI on April 19, 2016, with an IR of three percent; and that (Dr. F), a referral of the treating doctor, certified that the claimant reached MMI on June 13, 2016, with an IR of six percent.

MMI/IR

The ALJ's determination that the claimant reached MMI on June 13, 2016, with a six percent IR is supported by sufficient evidence and is affirmed.

FINDING OF FACT NO. 3

In the discussion section of her Decision and Order, the ALJ wrote:

[1] Section 410.152 was amended in House Bill 2111 of the 85th Leg., R.S. (2017), effective September 1, 2017, changing the title of hearing officer to ALJ.

> The preponderance of the other [medical] evidence is contrary to the certification of the designated doctor and supports the certification of [Dr. F] that [the] [c]laimant reached [MMI] on June 13, 2016, with an [IR] of [six percent].
>
> In her Finding of Fact No. 3, however, the ALJ found as follows:
>
> 3. The preponderance of the other medical evidence is not contrary to the determination of the designated doctor that [the] [c]laimant reached [MMI] on June 13, 2016, with an [IR] of [six percent].

It is clear from the discussion in the Decision and Order; the stipulations of the parties regarding the certifications of MMI and assignments of IR from Dr. A and Dr. F; and the Conclusions of Law that the ALJ intended to make a finding of fact that the designated doctor's certification was contrary to the preponderance of the evidence and that Dr. F's certification was supported by the preponderance of the evidence. We accordingly reform Finding of Fact No. 3 to read as follows:

> 3. The preponderance of the other medical evidence is contrary to the certification of the designated doctor and supports the certification of Dr. F that the claimant reached MMI on June 13, 2016, with an IR of six percent.

SUMMARY

We affirm the ALJ's determination that the claimant reached MMI on June 13, 2016, with a six percent IR.

We reform Finding of Fact No. 3 to state that the preponderance of the other medical evidence is contrary to the certification of the designated doctor and supports the certification of Dr. F that the claimant reached MMI on June 13, 2016, with an IR of six percent.

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 EAST HIGHWAY 290
AUSTIN, TEXAS 78723.

K. Eugene Kraft
Appeals Judge

CONCUR:

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Carisa Space-Beam
Appeals Judge

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Margaret L. Turner
Appeals Judge