

APPEAL NO. 131435  
FILED JULY 29, 2013

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 10, 2013, in [City], Texas, with [hearing officer] presiding as hearing officer. The hearing officer resolved the disputed issues by deciding that: (1) the respondent (claimant) has not reached maximum medical improvement (MMI); (2) because the claimant has not reached MMI, an impairment rating (IR) is premature; and (3) the compensable injury of [date of injury], extends to the diagnosed left knee tear of the anterior and posterior horn of the medial meniscus and the left knee horizontal tear of the lateral meniscus. The appellant (self-insured) appeals all of the hearing officer's determinations, and contends in its appeal that the hearing officer's decision fails to include a stipulation made by the parties during the CCH. The claimant responds, urging affirmance.

**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 does not affect the outcome of the hearing. This case is a situation that requires correction but does not affect the outcome of the hearing.

**MMI/IR AND EXTENT OF INJURY**

The hearing officer's determinations that the claimant has not reached MMI; that because the claimant has not reached MMI an IR is premature; and that the compensable injury of [date of injury], extends to the diagnosed left knee tear of the anterior and posterior horn of the medial meniscus and the left knee horizontal tear of the lateral meniscus are supported by sufficient evidence and are affirmed.

**STIPULATION**

During the CCH the parties entered into the following stipulation as stated on the record:

The compensable injury of [date of injury], does not extend to degenerative joint disease of the patellofemoral compartment; osteonecrosis; or patellofemoral chondral changes and osteophytes of the left knee.

During the CCH the hearing officer noted the parties' stipulation as cited above; however, that stipulation was omitted from the hearing officer's decision and order.

We reform the hearing officer's decision and order by adding as Finding of Fact 1. G. the stipulation "the compensable injury of [date of injury], does not extend to degenerative joint disease of the patellofemoral compartment; osteonecrosis; or patellofemoral chondral changes and osteophytes of the left knee."

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**[RB]  
[ADDRESS]  
[CITY], TEXAS [ZIP CODE].**

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Carisa Space-Beam  
Appeals Judge

CONCUR:

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Veronica L. Ruberto  
Appeals Judge

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Margaret L. Turner  
Appeals Judge