

APPEAL NO. 210422  
FILED MAY 26, 2021

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 October 19, 2020, with the record closing on February 8, 2021, in (city), Texas, with (administrative law judge) presiding as the administrative law judge (ALJ). The ALJ resolved the disputed issues by deciding that: (1) the compensable injury of (date of injury), does not extend to right hip severe osteoarthritis; (2) the respondent (claimant) reached maximum medical improvement (MMI) on December 4, 2018; and (3) the claimant's impairment rating (IR) is 20%. The appellant (carrier) appeals the ALJ's determination of the MMI date and assigned IR. Additionally, the carrier points out that the ALJ's discussion of the evidence is inconsistent with her determination of the extent of the claimant's injury. The appeal file does not contain a response from the claimant.

**DECISION**

Reversed and remanded.

The parties stipulated, in part, that the claimant sustained a compensable injury on (date of injury), which extends to a right knee contusion and right acetabular fracture and that (Dr. S) was properly appointed by the Texas Department of Insurance, Division of Workers' Compensation (Division) to serve as the designated doctor to determine MMI and IR. The claimant testified that he was injured when he fell while carrying a mattress for a customer.

**EXTENT OF INJURY**

In her discussion of the evidence, the ALJ stated that Dr. S, the designated doctor, "provided the required nexus between the compensable injury event and the disputed condition. The preponderance of the other medical evidence is not contrary to Dr. [S]'s opinion as to extent of injury." However, in Finding of Fact No. 3, the ALJ determined that the compensable injury of (date of injury), was not a producing cause of right hip severe osteoarthritis, and this condition was not enhanced, accelerated, or worsened by the compensable injury. The ALJ determined in Conclusion of Law No. 3 and in her decision that the compensable injury of (date of injury), does not extend to right hip severe osteoarthritis. The ALJ's discussion of the evidence is inconsistent with her determination of extent of injury. Accordingly, we reverse the ALJ's determination that the compensable injury of (date of injury), does not extend to right hip severe osteoarthritis and remand the extent-of-injury issue to the ALJ for further action consistent with this decision.

## **MMI/IR**

The extent-of-injury issue has been reversed and remanded to the ALJ for further action. Accordingly, we reverse the ALJ's determination that the claimant reached MMI on December 4, 2018, with a 20% IR and remand the issues of MMI and IR to the ALJ for further action consistent with this decision.

## **SUMMARY**

We reverse the ALJ's determination that the compensable injury of (date of injury), does not extend to right hip severe osteoarthritis and remand the extent-of-injury issue to the ALJ for further action consistent with this decision.

We reverse the ALJ's determination that the claimant reached MMI on December 4, 2018, and remand the MMI issue to the ALJ for further action consistent with this decision.

We reverse the ALJ's determination that the claimant's IR is 20% and remand the IR issue to the ALJ for further action consistent with this decision.

## **REMAND INSTRUCTIONS**

On remand the ALJ is to make a determination of extent of injury, MMI, and IR that is supported by the evidence and to clarify the inconsistency between her findings and determinations and the discussion of the evidence.

Pending resolution of the remand, a final decision has not been made in this case. However, since reversal and remand necessitate the issuance of a new decision and order by the ALJ, a party who wishes to appeal from such new decision must file a request for review not later than 15 days after the date on which such new decision is received from the Division, pursuant to Section 410.202 which was amended June 17, 2001, to exclude Saturdays and Sundays and holidays listed in Section 662.003 of the Texas Government Code in the computation of the 15-day appeal and response periods. See Appeals Panel Decision 060721, decided June 12, 2006.

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

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Margaret L. Turner  
Appeals Judge

CONCUR:

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Cristina Beceiro  
Appeals Judge

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Carisa Space-Beam  
Appeals Judge