

APPEAL NO. 231210
FILED OCTOBER 12, 2023

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 19, 2023, with the record closing on July 26, 2023, 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 sustained on (date of injury), does not extend to disc bulges at L3-4 or L4-5 or disc herniations at C4-5 or C6-7; (2) the appellant (claimant) reached maximum medical improvement (MMI) on August 25, 2022; and (3) the claimant's impairment rating (IR) is six percent. The claimant appealed, disputing the ALJ's determinations of extent of injury, MMI, and IR. The respondent (carrier) responded, urging affirmance of the disputed extent of injury, MMI, and IR determinations.

DECISION

Affirmed as reformed.

The parties stipulated, in part, that the claimant sustained a compensable injury on (date of injury); the Texas Department of Insurance, Division of Workers' Compensation (Division) appointed (Dr. E) as designated doctor to address the issues of MMI and IR; and the statutory MMI date in this case is August 25, 2022. The claimant testified that he was injured on (date of injury), when the trailer of the truck he was driving jackknifed and hit the side of the cab of the truck.

The ALJ is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence. *Texas Employers Insurance Association v. Campos*, 666 S.W.2d 286 (Tex. App.—Houston [14th Dist.] 1984, no writ). As an appellate reviewing tribunal, the Appeals Panel will not disturb challenged factual findings of an ALJ absent legal error, unless they are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. *Cain v. Bain*, 709 S.W.2d 175, 176 (Tex. 1986); *In re King's Estate*, 150 Tex. 662, 244 S.W.2d 660 (1951).

The parties did not stipulate to the conditions that comprised the compensable injury. The ALJ found at Finding of Fact No. 5 that the carrier accepted a lower left leg strain, cervical sprain, cervical strain, a left knee medial meniscus tear, and a sprain of the left wrist as compensable. However, a review of the record reflects that the carrier also accepted a lumbar sprain and a lumbar strain. The ALJ confirmed on the record that the carrier accepted the following conditions: a lower left leg strain, cervical sprain, cervical strain, a lumbar sprain, a lumbar strain, a left knee medial meniscus tear, and a

sprain of the left wrist. In Finding of Fact No. 5, the ALJ inadvertently left off the conditions of lumbar sprain and lumbar strain. We note the certification from the designated doctor adopted by the ALJ considered and rated a lumbar sprain and a lumbar strain. We reform Finding of Fact No. 5 to include the conditions of lumbar sprain and lumbar strain to conform to the evidence.

EXTENT OF INJURY

The ALJ's determination that the compensable injury of (date of injury), does not extend to disc bulges at L3-4 or L4-5 or disc herniations at C4-5 or C6-7 is supported by sufficient evidence and is affirmed.

MMI

The ALJ's determination that the claimant reached MMI on August 25, 2022, is supported by sufficient evidence and is affirmed.

IR

The ALJ's determination that the claimant's IR is six percent is supported by sufficient evidence and is affirmed.

SUMMARY

We reform Finding of Fact No. 5 to read as follows: the insurance carrier has accepted a lower left leg strain, cervical sprain, cervical strain, left knee medial meniscus tear, a sprain of the left wrist, lumbar sprain, and lumbar strain as compensable.

We affirm the ALJ's determination that the compensable injury of (date of injury), does not extend to disc bulges at L3-4 or L4-5 or disc herniations at C4-5 or C6-7.

We affirm the ALJ's determination that the claimant reached MMI on August 25, 2022.

We affirm the ALJ's determination that the claimant's IR is six percent.

The true corporate name of the insurance carrier is **LM INSURANCE CORPORATION** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
211 EAST 7TH STREET, SUITE 620
AUSTIN, TEXAS 78701-3218.**

Margaret L. Turner
Appeals Judge

CONCUR:

Cristina Beceiro
Appeals Judge

Carisa Space-Beam
Appeals Judge