APPEAL NO. 94291

Pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq*. (1989 Act) a contested case hearing was held in (city), Texas, on January 3, 1994, (hearing officer) presiding as hearing officer. He determined that the appellant's (claimant) impairment rating was zero percent in accordance with the certification of the designated doctor selected by the Texas Workers' Compensation Commission. Claimant appeals urging that he still experiences problems from his injury and should be given a 10% impairment rating as stated by his treating doctor. He also noted that the hearing officer's decision incorrectly states that the date of injury was (date of injury), rather than (date of injury). We recognize the apparent typographical error and determine that it has no impact on the decision. No response has been filed.

DECISION

The decision and order are affirmed.

The claimant sustained a lumbar strain on (date of injury) and received benefits under the 1989 Act. That maximum medical improvement (MMI) was reached as of August 31, 1993, is not in dispute. A designated doctor was selected by the Commission to determine impairment rating. (Dr. P), the doctor designated by the Commission, examined the claimant, found no loss of range of motion, no neurological impairment and no specific disorder of the spine warranting any impairment rating and certified a zero percent impairment rating. The claimant was referred to a (Dr. S) by his treating doctor, (Dr. K). Dr. S examined the claimant on November 10, 1993, and determined that the claimant's impairment rating was zero percent. Dr. K disagrees with these ratings and assesses a 10% impairment rating.

The claimant asserts that he does not agree that he has zero percent impairment and states that he is still experiencing symptoms and having problems relating to his back. He also complains that Dr. P did not give him a thorough examination. The hearing officer determined that the designated doctor's assessment of zero percent impairment is not against the great weight of other medical evidence. Section 408.125(e) provides that if a designated doctor is chosen by the Commission, "the report of the designated doctor shall have presumptive weight, and the commission shall base the impairment rating on that report unless the great weight of the other medical evidence is to the contrary." We have stated that the designated doctor occupies a "unique position" under the 1989 Act and that to overcome the report of a designated doctor does not involve a mere balancing of the evidence. Rather, it takes the great weight of the other medical evidence. Texas Workers' Compensation Commission Appeal No. 92412, decided September 28, 1992. We can find no sound basis to disturb the hearing officer's determination that the report of Dr. P was not against the great weight of other medical evidence. Nor do we find an evidentiary basis to conclude Dr. P's examination and report were not satisfactorily accomplished given the detailed report attached to his certification of impairment rating. Where there is sufficient evidence to support the hearing officer, we do not substitute our judgment for his in reviewing

his findings of fact and conclusions of law. Texas Workers' Compensation Commission Appeal No. 931148, decided February 1, 1994; Texas Workers' Compensation Commission Appeal No. 93767, decided October 8, 1993.

The decision and order are affirmed.

Stark O. Sanders, Jr.
Chief Appeals Judge

CONCUR:

Joe Sebesta
Appeals Judge

Robert W. Potts
Appeals Judge