

APPEAL NO. 002552

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 4, 2000. The hearing officer determined that the impairment rating (IR) of the appellant (claimant) is 12%, as certified by the Texas Workers' Compensation Commission-selected designated doctor. Claimant appealed this determination on sufficiency grounds. Respondent (carrier) responded that the Appeals Panel should affirm the hearing officer's decision and order.

DECISION

We affirm.

Claimant contends the hearing officer erred in determining that his IR is 12%. He asserts that the designated doctor did not take into account the changes after his fourth knee surgery, that the designated doctor forced the range of motion (ROM) in his knee, that his treating doctor's IR was appropriate, and that the great weight of the other medical evidence is contrary to the designated doctor's report.

The applicable law and our standard of review are stated or discussed in Sections 408.122(b); 408.125(e); Texas Workers' Compensation Commission Appeal No. 001948, decided September 22, 2000; and Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). At the hearing, claimant testified that the designated doctor pushed his knee "a little bit" when testing his ROM. Claimant said his treating doctor, Dr. G, was more familiar with his condition, so Dr. G's 16% IR should be considered as the more appropriate IR. The record does not contain an IR from any doctors other than Dr. G and the designated doctor. The designated doctor was given an opportunity to review Dr. G's report, and he declined to change his IR report. After reviewing the evidence, we conclude that the hearing officer's determinations are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain. The record does not indicate that the designated doctor's examination was improperly performed or that the great weight of the other medical evidence is contrary to the designated doctor's report. Because we perceive no error, we affirm the hearing officer's determination that claimant's IR is 12%.

We affirm the hearing officer's decision and order.

Judy L. Stephens
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Robert E. Lang
Appeals Panel
Manager/Judge