

APPEAL NO. 002717

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 30, 2000. He held that the appellant (claimant) reached maximum medical improvement (MMI) on May 30, 1998, with a 10% impairment rating (IR), in accordance with the report of the designated doctor. The claimant has very generally appealed; the respondent (carrier) responds by challenging the sufficiency of the appeal and asking that it be affirmed.

DECISION

We affirm.

We will consider the appeal a general sufficiency of the evidence appeal. The report of a Texas Workers' Compensation Commission-appointed designated doctor is given presumptive weight. Sections 408.122(c) and 408.125(e). The amount of evidence needed to overcome the presumption, a "great weight," is more than a preponderance, which would be only greater than 50%. See Texas Workers' Compensation Commission Appeal No. 92412, decided September 28, 1992. Medical evidence, not lay testimony, is the evidence required to overcome the designated doctor's report. Texas Workers' Compensation Commission Appeal No. 92164, decided June 5, 1992.

In reviewing the evidence, we agree with the hearing officer's finding that the designated doctor's opinion is entitled to presumptive weight and is not against the great weight of contrary medical evidence. Section 408.122(c). An IR is not given simply for injury but for "impairment" from an injury. "Impairment" is defined in the 1989 Act as "any anatomic or functional abnormality or loss existing after [MMI] that results from a compensable injury and is reasonably presumed to be permanent." Section 401.011(23). Further, impairment must be based upon "objective clinical or laboratory finding." Section 408.122(a). In this case, the designated doctor considered all injured regions but stated that not all areas injured left "impairment" according to the Guides to the Evaluation of Permanent Impairment, third edition, second printing, dated February 1989, published by the American Medical Association. In considering all the evidence in the record, we cannot agree that the findings of the hearing officer are so against the great weight and

preponderance of the evidence as to be manifestly wrong and unjust. In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951). We affirm the decision and order.

Susan M. Kelley
Appeals Judge

CONCUR:

Robert W. Potts
Appeals Judge

Judy L. Stephens
Appeals Judge