

APPEAL NO. 002876

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 November 30, 2000. With respect to the single issue before her, the hearing officer determined that the Texas Workers' Compensation Commission (Commission) abused its discretion in approving Dr. N as an alternate doctor. In his appeal, the appellant (claimant) contends that the hearing officer erred in making the determination that the Commission abused its discretion in approving the change of treating doctors. In its response to the claimant's appeal, the respondent (carrier) urges affirmance.

DECISION

Reversed and rendered.

The hearing officer's decision and order contains an accurate factual summary that will not be repeated here. In her discussion, the hearing officer stated that the claimant's testimony as to the reason he requested a change of treating doctors was credible and further noted that the claimant "had a valid reason for requesting [a change of treating doctor] and having his request approved . . . ." Nevertheless, the hearing officer determined that the change to Dr. N as an alternate treating doctor was improperly granted. Having determined that a valid reason existed for the change, the hearing officer abused her discretion in undoing the approval of Dr. N as an alternate treating doctor. Accordingly, we reverse the determination that the Commission abused its discretion in approving Dr. N as an alternate treating doctor and render a new decision that Dr. N was properly approved as an alternate treating doctor.

The hearing officer's decision and order are reversed and a new decision rendered that Dr. N was properly approved as an alternate treating doctor for the claimant.

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Elaine M. Chaney  
Appeals Judge

CONCUR:

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Kenneth A. Huchton  
Appeals Judge

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Robert W. Potts  
Appeals Judge