

APPEAL NO. 002911

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 22, 2000. With respect to the issues before her, the hearing officer determined that the appellant (claimant) reached maximum medical improvement (MMI) on May 10, 1999, with an impairment rating (IR) of 14% as certified by the designated doctor selected by the Texas Workers' Compensation Commission (Commission). In his appeal, the claimant argues that the hearing officer erred in giving presumptive weight to the designated doctor's MMI date and IR because the great weight of the other medical evidence is contrary to that report. In its response to the claimant's appeal, the respondent (carrier) urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in giving presumptive weight to the designated doctor's MMI date and IR under Sections 408.122(c) and 408.125(e). The difference between the designated doctor's certification and those of the other doctors that certified MMI and assigned an IR are differences in medical opinion as to what rating to assign to the claimant's knee for the diagnosis-related component; whether to assign a rating for range of motion in the lumbar spine; and the date the claimant reached MMI. The treating doctor's opinion on those factors does not rise to the level of the great weight of medical evidence contrary to the designated doctor's report. Accordingly, the hearing officer did not err in giving presumptive weight to the designated doctor's report under Sections 408.122(c) and 408.125(e) and in determining that the claimant reached MMI on May 10, 1999, with an IR of 14% as certified by the designated doctor selected by the Commission.

The hearing officer's decision and order are affirmed.

Elaine M. Chaney
Appeals Judge

CONCUR:

Kenneth A. Huchton
Appeals Judge

Thomas A. Knapp
Appeals Judge