

APPEAL NO. 010242

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 January 17, 2001. The hearing officer determined that the first certification of maximum medical improvement and impairment rating (IR) certified by Dr. P (the first certification) did not become final under the 90-day rule. Appellant (carrier) appealed these determinations on sufficiency grounds. Claimant responded that the Appeals Panel should affirm the hearing officer's decision and order.

DECISION

We affirm.

Carrier appeals the hearing officer's determination on sufficiency grounds. The matter carrier complained of concerns a fact issue, which was for the hearing officer to consider. We have reviewed the complained-of determination and we conclude that it is not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

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Judy L. S. Barnes  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Philip F. O'Neill  
Appeals Judge