

APPEAL NO. 010510

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 February 15, 2001. The hearing officer determined that: (1) the great weight of the other medical evidence is not contrary to the designated doctor's report; (2) the impairment rating (IR) of the appellant (claimant) is zero percent; and (3) claimant reached maximum medical improvement (MMI) on May 5, 1997. Claimant appeals these determinations on sufficiency grounds and seeks the appointment of another designated doctor. Respondent (carrier) responds that the Appeals Panel should affirm.

DECISION

We affirm.

Claimant contends that the hearing officer erred in according presumptive weight to the designated doctor's report. Claimant asserts that the designated doctor, Dr. D, failed to respond to a letter requesting any range of motion (ROM) testing worksheets regarding her arms. Claimant also asserts that the designated doctor did not conduct upper extremity ROM testing. The designated doctor in this case examined claimant three times and ordered a cervical MRI to rule out pathology of the neck. After the designated doctor obtained the cervical MRI report, the designated doctor reexamined claimant and certified a zero percent IR. The designated doctor stated that she found no pathology in claimant's arms and no reflex sympathetic dystrophy. We note that in June 1999, another doctor found that claimant had full ROM in her arms. Given the other medical opinions regarding impairment in this case, we perceive no reversible error. We have reviewed the complained-of determinations and 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 v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

Judy L. S. Barnes
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Philip F. O'Neill
Appeals Judge