

APPEAL NO. 011010
FILED JUNE 14, 2001

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 April 18, 2001. The hearing officer determined that the appellant's (claimant) impairment rating (IR) is 7%, as assigned by the designated doctor. The claimant has appealed, urging that the IR assigned by his treating doctor should be accepted. The respondent (carrier) has submitted a response, asking that the hearing officer's determination be affirmed.

DECISION

Affirmed.

The hearing officer determined that the presumptive weight afforded the opinion of the Texas Workers' Compensation Commission-selected designated doctor was not overcome by the great weight of the other medical evidence. Section 408.125(e). The 1989 Act provides that the hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). Where there are conflicts in the evidence, the hearing officer resolves the conflicts and determines what facts the evidence has established. As an appeals body, we will not substitute our judgment for that of the hearing officer when the determination is not so against the overwhelming weight of the evidence as to be clearly wrong and unjust, and we do not find it to be so in this case. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Texas Workers' Compensation Commission Appeal No. 950456, decided May 9, 1995.

We affirm the decision and order of the hearing officer.

Michael B. McShane
Appeals Judge

CONCUR:

Robert E. Lang
Appeals Panel
Manager/Judge

Philip F. O'Neill
Appeals Judge