

APPEAL NO. 011065
FILED JUNE 28, 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 March 28, 2001. The hearing officer determined that the impairment rating (IR) of the appellant (claimant) is 10%, in accordance with the designated doctor's report. Claimant appealed this determination, contending that the IR from Dr. A is more accurate. Respondent self-insured (carrier herein) responded that the Appeals Panel should affirm the hearing officer's decision and order.

DECISION

We affirm.

We have reviewed the complained-of determination and conclude that the hearing officer did not err in determining that claimant's IR is 10%. The designated doctor examined claimant and determined that the range of motion in her shoulder was normal. The fact that claimant's treating doctor had a different opinion does not mean that the great weight of the other medical evidence is contrary to the designated doctor's report. It appears that the designated doctor did adequately respond to the questions raised regarding his IR. We conclude that the hearing officer did not err in according presumptive weight to the designated doctor's report. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determination 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.

Judy L. S. Barnes
Appeals Judge

CONCUR:

Robert E. Lang
Appeals Panel
Manager/Judge

Michael B. McShane
Appeals Judge