

APPEAL NO. 011180
FILED JULY 10, 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 May 7, 2001. With respect to the issues before her, the hearing officer determined that the appellant's (claimant) impairment rating (IR) was 10% in accordance with the report of the Texas Workers' Compensation Commission-appointed designated doctor. The claimant appeals, claiming that the designated doctor's report should not be afforded presumptive weight and that the hearing officer's determination is against the great weight and preponderance of the evidence. Respondent self-insured (carrier herein) responded that the Appeals Panel should affirm the hearing officer's decision and order.

DECISION

We affirm.

Claimant contends that the hearing officer erred in adopting the designated doctor's report because the designated doctor: (1) did not use the proper section of Table 49 of the Guides to the Evaluation of Permanent Impairment, third edition, second printing, dated February 1989, published by the American Medical Association (AMA Guides) to assess IR for multiple surgeries; (2) did not assign an IR for objective neurological deficits as shown by an EMG; and (3) did not give any impairment for segmental instability. We have reviewed the complained of determination and we perceive no reversible error. Clarification was sought from the designated doctor and he explained why he did not include the impairment that claimant seeks to have included in the IR. The fact that the treating doctor had a different medical opinion regarding whether claimant had segmental instability and neurological impairment does not mean that the designated doctor's report is contrary to the great weight of the other medical evidence. The differing opinions regarding what section of Table 49 of the AMA Guides to use are also mere differences in medical opinion and will not result in the rejection of the designated doctor's report in this particular case.

We affirm the hearing officer's decision and order.

Judy L. S. Barnes
Appeals Judge

CONCUR:

Thomas Knapp
Appeals Judge

Gary Kilgore
Appeals Judge