

APPEAL NO. 011294  
FILED JULY 09, 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 10, 2001. The hearing officer resolved the disputed issues by determining that the date of maximum medical improvement (MMI) is June 13, 1997, and that the impairment rating (IR) for appellant (claimant herein) is 14%. The claimant files a request for review, contending that the hearing officer should adopt the designated doctor's amended report because it was amended for a proper purpose and within a reasonable time. The respondent (carrier herein) responds, urging affirmance.

DECISION

Finding sufficient evidence to support the decision of the hearing officer and no reversible error in the record, we affirm the decision and order of the hearing officer.

With the file is an Order on Motion to Correct Clerical Error, dated June 21, 2001, which amends the hearing officer's order to state as follows: "The date of maximum medical improvement is January 13, 1997." Accordingly, the Appeals Panel need not take further action on the clerical error.

The claimant contends that the hearing officer erred in not adopting the designated doctor's amended report. The designated doctor can amend the certification of MMI if it is done for a proper purpose. Texas Workers' Compensation Commission Appeal No. 92441, decided October 8, 1992. This is a question of fact for the hearing officer to determine. Texas Workers' Compensation Commission Appeal No. 000799, decided June 7, 2000. The hearing officer found that the designated doctor did not amend his IR for a proper purpose. The hearing officer specifically found there was no misdiagnosis, improper treatment, significant new information, or other good cause for the amendment of the IR. There was conflicting evidence regarding this.

The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)).

The question under our standard of review was whether the hearing officer's determinations were 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). Applying this standard, we find sufficient evidence to support the hearing officer's findings.

The decision and order of the hearing officer are affirmed.

---

Gary L. Kilgore  
Appeals Judge

CONCUR:

---

Elaine M. Chaney  
Appeals Judge

---

Thomas A. Knapp  
Appeals Judge