

APPEAL NO. 011500  
FILED AUGUST 13, 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 June 14, 2001. The hearing officer determined that the appellant (claimant) reached maximum medical improvement (MMI) on July 20, 1999, with an impairment rating (IR) of 14%, as certified by the Texas Workers' Compensation Commission (Commission)-appointed designated doctor. The claimant appeals this determination on sufficiency grounds. The respondent (self-insured) urges affirmance of the hearing officer's decision.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant reached MMI on July 20, 1999, with an IR of 14%, as certified by the designated doctor. Sections 408.122(c) and 408.125(e) of the 1989 Act provide that the report of a Commission-appointed designated doctor determining the date of MMI and the claimant's IR shall have presumptive weight, and the Commission shall base its determination on such report, unless the great weight of other medical evidence is to the contrary. We have held that a "great weight" determination requires more than a mere balancing or preponderance of the evidence; that no other doctor's report, including the treating doctor's report, is accorded the special presumptive status; of the designated doctor's report and that the designated doctor's report should not be rejected absent a substantial basis for doing so. Texas Workers' Compensation Commission Appeal No. 960897, decided June 28, 1996. Additionally, we have said that the presence of pain is not, in and of itself, an indication that an employee has not reached MMI. Texas Workers' Compensation Commission Appeal No. 93007, decided February 18, 1993. Upon review of the medical evidence presented, we cannot conclude that the hearing officer's MMI/IR determination is 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 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

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Michael B. McShane  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Robert E. Lang  
Appeals Panel  
Manager/Judge