

APPEAL NO. 011626
FILED AUGUST 15, 2001

A contested case hearing was held on March 8, 2001, with the record closing on June 22, 2001. The hearing officer held that the appellant's (claimant) impairment rating was 9% in accordance with the report of the designated doctor. The claimant appeals, and the appellant (carrier) seeks affirmance.

DECISION

We affirm the hearing officer's decision.

The hearing officer did not err by giving presumptive weight to the designated doctor's report, or in finding that the great weight of contrary medical evidence was not against this report. The report of a designated doctor appointed by the Texas Workers' Compensation Commission is given presumptive weight. Sections 408.122(c) and 408.125(e). The amount of evidence needed to overcome the presumption, a "great weight," is more than a preponderance, which would only be greater than 50%. See Texas Workers' Compensation Commission Appeal No. 92412, decided September 28, 1992. Medical evidence, not lay testimony, is the evidence required to overcome the designated doctor's report. Texas Workers' Compensation Commission Appeal No. 92164, decided June 5, 1992. We have reviewed the record and cannot agree that the evidence against the designated doctor's report amounts to a "great weight." Accordingly, we affirm the hearing officer's decision and order.

Susan M. Kelley
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Philip F. O'Neill
Appeals Judge