

APPEAL NO. 011760
FILED SEPTEMBER 19, 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 27, 2001. The hearing officer resolved the disputed issues by deciding that the respondent's (claimant) compensable injury of _____, includes bilateral inguinal hernias and sexual dysfunction, and that the claimant's impairment rating (IR) is 15% as certified by the designated doctor chosen by the Texas Workers' Compensation Commission (Commission). The appellant (carrier) appealed and the claimant responded.

DECISION

The hearing officer's decision is affirmed.

The parties stipulated that the claimant sustained a compensable injury. The injury occurred when the claimant was lifting heavy blocks out of carts. Conflicting evidence was presented on the issue of the extent of the compensable injury. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established from the evidence presented. The hearing officer's decision on the issue of the extent of the compensable injury is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust.

Section 408.125(e) provides that if the designated doctor is chosen by the Commission, the report of the designated doctor shall have presumptive weight, and the Commission shall base the IR on that report unless the great weight of the other medical evidence is to the contrary. The claimant's treating doctor certified that the claimant reached maximum medical improvement (MMI) on September 21, 2000, with a 10% IR. The carrier disputed the 10% IR and the Commission chose a designated doctor. The parties stipulated that the claimant reached MMI on September 21, 2000. The designated doctor assigned the claimant a 15% IR. The hearing officer found that the designated doctor's report is not against the great weight of the other medical evidence and determined that the claimant's IR is 15%. The hearing officer's decision on the IR issue is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **RELIANCE NATIONAL INDEMNITY COMPANY** and the name and address of its registered agent for service of process is

TIMOTHY MCGUIRE
633 N. STATE HIGHWAY 161, SUITE 200
IRVING, TEXAS, 75038.

Robert W. Potts
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Thomas A. Knapp
Appeals Judge