APPEAL NO. 011776
FILED SEPTEMBER 12, 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 July 16, 2001. She determined that the appellant's (claimant) impairment rating (IR) is three percent and that the claimant is entitled to reimbursement of travel expenses incurred on May 12, 2000, June 2, 2000, and June 26, 2000, but is not entitled to reimbursement for expenses incurred on or after July 15, 2000, with the exception of October 19, 2000, and December 11, 2000. The claimant requests on appeal that the Appeals Panel reverse the determination that her IR is three percent and, further, find that she is entitled to reimbursement for travel expenses incurred on all dates after July 15, 2000. The respondent (carrier) urges affirmance.

DECISION

We affirm.

Claimant contends the hearing officer erred in determining that her IR is three percent. She asserts that the designated doctor exhibited prejudice and listed an incorrect diagnosis. The hearing officer heard the evidence and determined what facts were established. The hearing officer could find that the record does not support claimant's assertions in this regard. Claimant contended that the designated doctor did not complete range of motion (ROM) testing. The designated doctor did note difficulty with claimant's cooperation in performing ROM testing. However, the hearing officer could find from the record that the designated doctor invalidated ROM testing based on clinical observation. We perceive no reversible error. Claimant contends that the designated doctor failed to include impairment under Table 49 of the Guides to the Evaluation of Permanent Impairment, third edition, second printing, dated February 1989, published by the American Medical Association. However, the designated doctor noted that the MRI report was "questionable" and, when asked for clarification regarding Table 49 impairment, stated that it was not warranted for the injury. Whether the great weight of the other medical evidence was contrary to the opinion of the designated doctor is basically a factual determination. Texas Workers' Compensation Commission Appeal No. 93459, decided July 15, 1993. In this case, we are satisfied that the evidence sufficiently supports the hearing officer's determination that, in accordance with the opinion of the designated doctor, the claimant's IR is three percent.

Claimant contends that the hearing officer erred in determining that she is not entitled to reimbursement for travel expenses for travel from (City A) to (City B), Texas for medical care and an IR examination by Dr. P. Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 134.6 (Rule 134.6), which governs the claimant's travel expense claim, has been amended for dates of travel on or after July 15, 2000. In this case, it is evident from the hearing officer's discussion of the evidence that she was not persuaded by claimant's evidence that travel was reasonably necessary to City B, with the exception of the travel

for designated doctor examinations on October 19, 2000, and December 11, 2000. The hearing officer was acting within her province as the fact finder in so finding. Nothing in our review of the record demonstrates that the hearing officer's findings of fact regarding reimbursement for travel expenses are 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). Accordingly, no sound basis exists for us to reverse those determinations on appeal.

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **ATLANTIC MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**NICOLAS PETERS**
**12801 N. CENTRAL EXPRESSWAY**
**SUITE 100**
**DALLAS, TEXAS 75243-1732**.

Judy L. S. Barnes
Appeals Judge

CONCUR:

Michael B. McShane
Appeals Judge

Robert W. Potts
Appeals Judge