

APPEAL NO. 011944
FILED SEPTEMBER 27, 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 23, 2001. The hearing officer determined that the impairment rating (IR) of the appellant (claimant) is 14%, in accordance with the report of the Texas Workers' Compensation Commission (Commission)-selected designated doctor, Dr. Z. Claimant appealed this determination on sufficiency grounds. Respondent (carrier) responded that the Appeals Panel should affirm the hearing officer's decision and order.

DECISION

We affirm.

Claimant contends that the hearing officer erred in determining that his IR is 14%. He asserts that the designated doctor used the wrong page of the Guides to the Evaluation of Permanent Impairment, third edition, second printing, dated February 1989, published by the American Medical Association (AMA Guides) in determining the IR. The designated doctor's report indicates that the designated doctor used the tables on pages 18 through 20 to certify the IR. There is nothing to indicate that the designated doctor used the wrong pages of the AMA Guides.

Claimant contends that the designated doctor gave the wrong information in his report, that the designated doctor's report is hard to understand and that it is flawed, and that the treating doctor's IR should be adopted. Claimant did not specify how the designated doctor's report is flawed or why it is difficult to understand. There is no medical evidence specifying any particular flaws in the report. The report of a Commission-selected designated doctor is given presumptive weight with regard to maximum medical improvement status and IR. Sections 408.122(c) and 408.125(e). The amount of evidence needed to overcome the presumption is the "great weight" of the other medical evidence. 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. See Texas Workers' Compensation Commission Appeal No. 92166, decided June 8, 1992. We note that a mere difference in medical opinion is not enough to overcome the presumption in favor of the designated doctor. Texas Workers' Compensation Commission Appeal No. 960034, decided February 5, 1996. We have reviewed claimant's assertions regarding the complained-of IR determination. The hearing officer reviewed the record, applied the applicable law regarding presumptive weight, and decided what facts were established. We conclude that the hearing officer's determination is not 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).

We affirm the hearing officer's decision and order.

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

**MARCUS CHARLES MERRITT
6600 CAMPUS CIRCLE DRIVE EAST
SUITE 200
IRVING, TEXAS 75060.**

Judy L. S. Barnes
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Thomas A. Knapp
Appeals Judge