

APPEAL NO. 011976  
FILED SEPTEMBER 24, 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 (CCH) was held on July 17, 2001. The hearing officer determined that the claimant reached maximum medical improvement (MMI) on January 14, 1997, with an eight percent impairment rating (IR), in accordance with the report of the designated doctor.

The appellant (claimant) has appealed and argues he was still in pain at the time of MMI and should have been a candidate for the full 104 weeks of benefits. He does not appear to complain about the adoption of the eight percent IR as much as the date of MMI. The respondent (carrier) responds that the decision should be affirmed and argues facts that support the decision.

DECISION

We affirm the hearing officer's decision.

We cannot agree that the hearing officer erred in finding MMI and IR in accordance with the designated doctor's report. The claimant's first treating doctor also certified an MMI and IR that were essentially the same as that of the designated doctor. The claimant's second treating doctor was the only doctor who certified a later MMI date (past the date of statutory MMI) and a higher IR. The report of a Texas Workers' Compensation Commission appointed designated doctor 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 be only 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. The mere fact of a differing medical opinion does not constitute a "great weight." We would also observe that the designated doctor was provided with numerous additional medical records in December 1999 and stated that they would not cause him to amend his opinion. We have reviewed the evidence and do not believe that the hearing officer's decision is against the great weight and preponderance of the evidence or not in accordance with the statute. We affirm the hearing officer's decision.

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

**CORPORATION SERVICE COMPANY  
COMMODORE I  
800 BRAZOS STREET, SUITE 750  
AUSTIN, TEXAS 78701**

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Susan M. Kelley  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Robert W. Potts  
Appeals Judge