

APPEAL NO. 012039
FILED OCTOBER 3, 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 August 1, 2001. The appellant (claimant) appeals the hearing officer's determination that the presumptive weight afforded the Texas Workers' Compensation Commission (Commission)-appointed designated doctor is not overcome by the great weight of the other medical evidence and that the claimant's impairment rating (IR) is 5%. The respondent (carrier) responds, urging affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant's IR is 5%. 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, and that, if the great weight of the medical evidence contradicts the IR contained in the report of the designated doctor chosen by the Commission, the Commission shall adopt the IR of one of the other doctors. The parties stipulated that the claimant reached maximum medical improvement on December 28, 2000, as certified by the designated doctor. The treating doctor assigned the claimant an IR of 13%. Thereafter, the Commission appointed the designated doctor, who examined the claimant and certified that the claimant has an IR of 5%. The hearing officer found that the presumptive weight afforded the opinion of the designated doctor was not overcome by the great weight of the other medical evidence and concluded that the claimant's IR is 5% as certified by the designated doctor. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). The hearing officer's decision 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 **UNITED STATES FIRE INSURANCE** and the name and address of its registered agent for service of process is

**PAUL DAVID EDGE
6404 INTERNATIONAL PARKWAY
SUITE 1000
PLANO, TEXAS 75093.**

Michael B. McShane
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Susan M. Kelley
Appeals Judge