APPEAL NO. 012229
FILED OCTOBER 31, 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 14, 2001. The hearing officer gave presumptive weight to the report of the designated doctor on the disputed issue of impairment rating (IR). The appellant (claimant) has appealed the hearing officer's determination of IR. Our file contains no response from the respondent (self-insured).

DECISION

Affirmed.

The hearing officer did not err in finding that the report of the designated doctor was not contrary to the great weight of the other medical evidence. The parties stipulated that the claimant reached maximum medical improvement on September 11, 2000. The claimant's treating doctor referred the claimant to another doctor, who assigned an IR of 29%. The self-insured disputed that IR and a designated doctor was appointed by the Texas Workers' Compensation Commission (Commission). After his examination, the designated doctor assigned an IR of 8%. He was subsequently asked to clarify the disparity between the two IRs. He responded that his examination did not support the IR given by the referral doctor and advised the Commission that his opinion remained the same. Differences of medical opinion are not a sufficient basis, in and of itself, to discard the report of a designated doctor. Texas Workers' Compensation Commission Appeal No. 961885, decided November 6, 1996. The designated doctor provisions are there to resolve the differences of medical opinion in a case. Texas Workers' Compensation Commission Appeal No. 951686, decided November 17, 1995.

The report of a Commission-appointed designated doctor certifying an IR is given presumptive weight. Section 408.125(e). A certification of IR by a designated doctor will be accepted unless the great weight of the other medical evidence is to the contrary. In this case, the hearing officer could find that the other medical evidence did not overcome the presumption afforded to the designated doctor's report. Pursuant to Section 410.165(a) of the 1989 Act, the hearing officer is the sole judge of the weight and credibility of the evidence. This is equally true regarding medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). This tribunal will not upset the challenged factual findings of a hearing officer unless they 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); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951). We do not find them so here.

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **STATE OFFICE OF RISK MANAGEMENT** and the name and address of its registered agent for service of process is

RON JOSSELET
300 W. 15TH STREET, 6TH FLOOR
AUSTIN, TEXAS 78701.

Michael B. McShane
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Robert W. Potts
Appeals Judge