

APPEAL NO. 012505
FILED DECEMBER 4, 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 September 20, 2001. The appellant (carrier) appeals the hearing officer's determination that the respondent's (claimant) impairment rating (IR) is 16%, as assigned by the Texas Workers' Compensation Commission (Commission) - appointed designated doctor. The carrier asserts that the claimant did not give good effort and a second designated doctor should be appointed or an IR found in accordance with the report of the carrier doctor. The claimant responds, urging affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant's IR is 16%, as certified by the designated doctor. Section 408.125(e) of the 1989 Act provides that the report of a Commission appointed designated doctor determining the claimant's IR shall have presumptive weight, and the Commission shall base its determination on such report, unless the great weight of other medical evidence is to the contrary.

The hearing officer had this option if he did not agree that the designated doctor's report was based upon valid measurements; appointment of a second designated doctor was not required. Evidently, he was satisfied with the designated doctor's evaluation of the measurements. Because it has special status in the statute, the designated doctor's report should not be rejected absent a substantial basis for doing so. Texas Workers' Compensation Commission Appeal No. 960897, decided June 28, 1996. Upon review of the medical evidence presented, we cannot conclude that the hearing officer's IR determination is 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 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **RELIANCE NATIONAL INDEMNITY COMPANY** and the name and address of its registered agent for service of process is

**TIMOTHY J. MCQUIRE
633 NORTH STATE HIGHWAY 161, SUITE 200
IRVING, TEXAS 75038.**

Susan M. Kelley
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Gary L. Kilgore
Appeals Judge