

APPEAL NO. 013064
FILED FEBRUARY 5, 2002

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 November 14, 2001. The hearing officer resolved the disputed issues by deciding that the respondent's (claimant) correct date of maximum medical improvement (MMI) is July 24, 2001; that the claimant's correct impairment rating (IR) is eight percent; that the Texas Workers' Compensation Commission (Commission) properly assigned a second designated doctor in the case; and that the claimant had disability from October 14, 2000, through July 24, 2001. The appellant (carrier) appealed. No response was received from the claimant.

DECISION

The hearing officer's decision is affirmed.

The hearing officer did not err in determining that the claimant reached MMI on July 24, 2001; that the claimant's IR is eight percent; that the Commission properly appointed a second designated doctor; and that the claimant had disability from October 14, 2000, through July 24, 2001. Conflicting evidence was presented at the CCH. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. We cannot conclude that the hearing officer erred as a matter of law in determining, under the peculiar facts of this case, that the Commission properly appointed a second designated doctor and in basing the claimant's MMI date and IR on the report of the second designated doctor. The claimant's testimony supports the hearing officer's determination on the disability issue. We conclude that the hearing officer's determinations are supported by sufficient evidence and are not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Robert W. Potts
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Terri Kay Oliver
Appeals Judge