

APPEAL NO. 013079
FILED JANUARY 31, 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 was held on October 3, 2001. On the sole issue, the hearing officer determined that the appellant's (claimant) impairment rating (IR) is zero percent, as certified by the Texas Workers' Compensation Commission-appointed designated doctor. The claimant appeals the determination, asserting that the designated doctor's certification is contrary to the great weight of other medical evidence. The respondent (carrier) urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant's IR is zero percent. Whether the great weight of the other medical evidence is contrary to the report of the designated doctor is a question of fact for the hearing officer to decide. Texas Workers' Compensation Commission Appeal No. 93459, decided July 15, 1993. The claimant asserts that the designated doctor's IR certification is contrary to the great weight of the other medical evidence because it does not include a rating under Table 49, Section II of the Guides to the Evaluation of Permanent Impairment, third edition, second printing, dated February 1989, published by the American Medical Association. We view the treating doctor's opinions that the claimant is entitled to a rating under Table 49, Section II as a difference in medical opinion which does not rise to the level of the great weight of medical evidence contrary to the designated doctor's report. Accordingly, the hearing officer's IR determination is not 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).

In his appeal, the claimant cites numerous medical records, identified as Claimant's Exhibits Nos. 4, 5, and 6, in support of his position that he met the criteria for a rating under Table 49, Section II. We note that no such exhibits were offered or admitted into the record of this proceeding, nor were they offered as newly discovered evidence on appeal.

The decision and order of the hearing officer are affirmed.

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

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

Edward Vilano
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Susan M. Kelley
Appeals Judge