

APPEAL NO. 020363  
FILED APRIL 10, 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 January 25, 2002, with the record closing on January 29, 2002. The hearing officer determined that (1) the respondent (claimant) reached maximum medical improvement (MMI) on August 18, 2000; and (2) the claimant had an impairment rating (IR) of 16 %, consistent with the Texas Workers' Compensation Commission (Commission)-appointed designated doctor's amended report. The appellant (carrier) appeals the IR determination, asserting that the designated doctor did not amend his report within a reasonable time and for a proper purpose. The claimant responds, urging affirmance. The hearing officer's MMI determination was not appealed and is, therefore, final. Section 410.169.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant has a 16 % IR, consistent with the designated doctor's amended report. The carrier requests adoption of the designated doctor's first IR certification of 11%, asserting that the designated doctor did not amend his report within a reasonable time and for a proper purpose. Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.6(i) (Rule 130.6(i)) provides that the designated doctor's response to a request for clarification is considered to have presumptive weight as it is part of the designated doctor's opinion. See *also*, Texas Workers' Compensation Commission Appeal No. 013042-s, decided January 17, 2002. The rule does not provide any time limits, nor does it require that the amendment be made "for a proper purpose." Upon review of the evidence, it appears that the IR was amended in response to a request for clarification from the Commission. The hearing officer accepted the amended IR and found that it was not contrary to the great weight of other medical evidence. We conclude that the hearing officer's 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, 176 (Tex. 1986).

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

**RICK KNIGHT  
105 DECKER COURT, SUITE 600  
IRVING, TEXAS 75062.**

---

Edward Vilano  
Appeals Judge

CONCUR:

---

Elaine M. Chaney  
Appeals Judge

---

Thomas A. Knapp  
Appeals Judge