

APPEAL NO. 020563
FILED APRIL 16, 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 February 26, 2002. The hearing officer determined that the appellant's (claimant) impairment rating (IR) was 8% as assessed by the designated doctor, whose opinion was not contrary to the great weight of the other medical evidence.

The claimant appealed, contending that the designated doctor had not rated all of his injury and consequently the IR was not in accordance with the Guides to the Evaluation of Permanent Impairment, third edition, second printing, dated February 1989, published by the American Medical Association. The claimant asserted that his IR should be 16% as assessed by his treating doctor. The file does not contain a response from the respondent (carrier).

DECISION

Affirmed.

The claimant fell some distance from a ladder and sustained multiple fractures of the left upper extremity on _____. The parties stipulated that the claimant sustained a compensable injury on _____; that the claimant reached maximum medical improvement on January 20, 2001; that a carrier required medical examination doctor assigned a 7% IR on June 21, 2001; that the claimant's treating doctor assigned a 16% IR on August 14, 2001; and that the designated doctor assigned an 8% IR on August 21, 2001.

The designated doctor's 8% IR was based on loss of range of motion (ROM) of the left little finger, left wrist, and left elbow, with no sensory or motor deficits. The claimant's treating doctor also gave ratings for the cervical spine and left shoulder. The Texas Workers' Compensation Commission wrote the designated doctor and asked if an additional rating of the cervical spine and left shoulder would be appropriate. The designated doctor replied that the claimant "did not report any symptoms or pain in the left shoulder or neck" and that visual examination of "shoulder [ROM] was full bilaterally" and that the claimant had full ROM of the cervical spine. The designated doctor goes on to say that his review of the records indicates that the claimant's cervical spine and left shoulder "are doing well" or were not even treated. The designated doctor confirmed his 8% IR.

The hearing officer correctly gave presumptive weight to the designated doctor's report (see Section 408.125). The hearing officer weighed the evidence and her determination on the issue is not against the great weight and preponderance of the evidence.

Accordingly, the hearing officer's decision and order are affirmed.

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

**CORPORATION SERVICE COMPANY
800 BRAZOS, COMMODORE 1, SUITE 750
AUSTIN, TEXAS 78701.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Gary L. Kilgore
Appeals Judge