

APPEAL NO. 020570  
FILED APRIL 30, 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 8, 2002. The hearing officer resolved the disputed issue by deciding that the appellant's (claimant) impairment rating (IR) is 0%. The claimant appealed and the respondent (carrier) responded.

DECISION

The hearing officer's decision is affirmed.

Section 401.011(23) defines "impairment" as "any anatomic or functional abnormality or loss existing after maximum medical improvement [MMI] that results from a compensable injury and is reasonably presumed to be permanent." IR is defined in Section 401.011(24) as "the percentage of permanent impairment of the whole body resulting from a compensable injury." For a claim for workers' compensation benefits based on a compensable injury that occurred before June 17, 2001, Section 408.125(e) provides that, if the designated doctor is chosen by the Texas Workers' Compensation Commission, the report of the designated doctor shall have presumptive weight, and the Commission shall base the IR on that report unless the great weight of the other medical evidence is to the contrary, and that if the great weight of the medical evidence contradicts the IR contained in the report of the designated doctor chosen by the Commission, the Commission shall adopt the IR of one of the other doctors.

The evidence reflects that prior to her compensable injury of \_\_\_\_\_, the claimant was blind in her left eye as a result of congenital glaucoma and that she had had multiple surgeries on her left eye. The \_\_\_\_\_ compensable injury was diagnosed as a corneal ulceration of the left eye. The parties stipulated that the claimant reached MMI on July 17, 2001. The claimant's treating doctor noted in November 1999 that the corneal ulceration infection was healed. Another doctor assigned the claimant a 37% IR for vision loss, which included impairment for both eyes. The designated doctor chosen by the Commission wrote in an amended report that the claimant was blind in her left eye prior to the \_\_\_\_\_ infection, and that the claimant's IR for the left eye was 24% prior to the compensable injury and 24% after the compensable injury. The benefit review officer wrote to the designated doctor noting that the designated doctor's amended report would lead to a conclusion that the claimant has a 0% IR for her injury, and asking if that was correct. The designated doctor responded that the preinjury and postinjury IR were both 24% and that "as you observed, that would indicate no change in the [IR] for this injury." With regard to whether impairment should be assigned for other conditions of the left eye, the designated doctor wrote in his amended report that the scarring and cosmetic changes the claimant has in her left eye are consistent with a chronically ill blind eye.

The hearing officer found that the designated doctor determined that the claimant's compensable injury did not result in any further impairment to the claimant's left eye and that the claimant's permanent impairment as a result of the compensable injury of \_\_\_\_\_, is 0%, and that the designated doctor's determination that the compensable injury did not result in any additional impairment to the claimant's left eye is not contrary to the great weight of the other medical evidence. The hearing officer concluded that the claimant's IR is 0%. The hearing officer is the sole judge of the weight and credibility of the evidence. As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. We conclude that the hearing officer's decision is supported by sufficient evidence and that it is 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 true corporate name of the insurance carrier is **CENTENNIAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**NICHOLAS PETERS  
12801 NORTH CENTRAL EXPRESSWAY, SUITE 100  
DALLAS, TEXAS 75243.**

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Robert W. Potts  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Terri Kay Oliver  
Appeals Judge