APPEAL NO. 020757
FILED MAY 14, 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 December 17, 2001. With regard to the disputed issues of maximum medical improvement (MMI), impairment rating (IR), and disability, the hearing officer determined that the respondent (claimant) reached MMI on December 7, 2000, with a seven percent IR, as initially reported by the designated doctor chosen by the Texas Workers' Compensation Commission, and that the claimant had disability from October 19, 2000, through the date of the CCH. The claimant appealed the hearing officer's determinations on the disputed issues, and in Texas Workers' Compensation Commission Appeal No. 020105, decided February 13, 2002, the Appeals Panel affirmed the hearing officer's disability determination, but reversed and remanded the hearing officer's determinations on MMI and IR, with directions that he consider the designated doctor's amended report, which was based on a reexamination of the claimant, and give it presumptive weight as required by Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.6(i) (Rule 130.6(i)), and to determine whether the great weight of the other medical evidence contradicts the designated doctor's amended report that the claimant had not reached MMI. A CCH on remand was held on March 4, 2002. The appellant (carrier) appeals the hearing officer's decision on remand that the designated doctor's amended report is entitled to presumptive weight, that the designated doctor's amended report is not against the great weight of the other medical evidence, that the claimant had not reached MMI, and that an IR cannot be assigned because the claimant had not reached MMI. No response was received from the claimant.

DECISION

The hearing officer's decision on remand is affirmed.

The hearing officer did not err in determining that the designated doctor's amended report was entitled to presumptive weight, that the designated doctor's amended report was not contrary to the great weight of the other medical evidence, that the claimant had not reached MMI, and that an IR could not be assigned because the claimant had not reached MMI. The carrier's legal arguments regarding the application of Rule 130.6(i) have previously been addressed in Texas Workers' Compensation Commission Appeal No. 013042-s, decided January 17, 2002, and Texas Workers' Compensation Commission Appeal No. 020652, decided May 7, 2002. Essentially, those cases held that Rule 130.6(i) is to be given immediate effect and that a hearing officer is to determine whether the great weight of the other medical evidence contradicts the designated doctor's amended report, which is considered to have presumptive weight under Rule 130.6(i). We conclude that the hearing officer's determinations in his decision on remand 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 on remand are affirmed.

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

LINDA LEWIS
1600 NORTH COLLINS BLVD., SUITE NO. 300
RICHARDSON, TEXAS 75080.

Robert W. Potts
Appeals Judge

CONCUR:

Robert E. Lang
Appeals Panel
Manager/Judge

Michael B. McShane
Appeals Judge