

APPEAL NO. 020907  
FILED JUNE 5, 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 March 11, 2002. The appellant (carrier) appeals the hearing officer's determination that the respondent (claimant) reached maximum medical improvement (MMI) on July 15, 2000, with a 19% impairment rating (IR) and that the claimant had disability from December 16, 1999, to July 15, 2000. There is no response in the appeal file from the claimant.

DECISION

Affirmed.

In this case, a second designated doctor was appointed and a letter of clarification was sent to him because the original designated doctor was no longer available. The carrier argues that the hearing officer erred in adopting the MMI/IR certification of the second designated doctor because the second designated doctor evaluated the claimant's condition after a spinal surgery that was not under consideration on or before the statutory MMI date. The carrier further contends that because the surgery was not performed until after the statutory MMI date, Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.6(i) (Rule 130.6(i)) and Texas Workers' Compensation Commission Appeal No. 013042-s, decided January 17, 2002, are not applicable. We disagree. The report of the second designated doctor is a clarification of the evaluation of the original designated doctor's MMI/IR certification based on the second surgery. As such, the report of the second designated doctor is presumptively correct unless overcome by the great weight of the other medical evidence under Rule 130.6(i) and Appeal No. 013042-s. The evidence supports the hearing officer's adoption of the MMI/IR certification of the second designated doctor.

In addition, there is sufficient factual and legal support for the hearing officer's determination regarding disability. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the decision and order of the hearing officer.

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

**CT CORPORATION SYSTEMS  
350 N. ST. PAUL, SUITE 2900  
DALLAS, TEXAS 75201.**

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Roy L. Warren  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Robert E. Lang  
Appeals Panel  
Manager/Judge