

APPEAL NO. 021550  
FILED AUGUST 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 May 22, 2002. The appellant (claimant) appeals the hearing officer's determination that the claimant's correct impairment rating (IR) is 12% as assigned by the Texas Workers' Compensation Commission (Commission)-appointed designated doctor. The respondent (carrier) responds, urging affirmance.

DECISION

Affirmed as reformed.

The Commission shall base its determination regarding employee's assignment of IR on the designated doctor's report, "unless the great weight of the other medical evidence is to the contrary." Section 408.125(e). Generally medical evidence, not lay testimony, is the evidence required to overcome the presumptive weight accorded the designated doctor's report. Texas Workers' Compensation Commission Appeal No. 92166, decided June 8, 1992. The hearing officer, as finder of fact, is the sole judge of the weight and credibility of the evidence. Section 410.165(a). The hearing officer's decision 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).

However, we note an apparent typographical error in the decision and order. In adopting the designated doctor's impairment rating the hearing officer indicates that the designated doctor assigned the claimant a 12% IR, but actually the designated doctor assigned the claimant a 13% IR. We reform the decision and order to reflect that the correct IR is 13% as assigned by the designated doctor.

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

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

**CT CORPORATION SYSTEM  
350 NORTH ST. PAUL  
DALLAS, TEXAS 75201.**

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Roy L. Warren  
Appeals Judge

CONCUR:

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Philip F. O'Neill  
Appeals Judge

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Robert W. Potts  
Appeals Judge