

APPEAL NO. 021628  
FILED AUGUST 22, 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 record was held open to seek clarification from the designated doctor and a second hearing was held on June 3, 2002, with the record closing on that date. With respect to the single issue before him, the hearing officer determined that the respondent's (claimant) impairment rating (IR) is 28%, as certified by the designated doctor selected by the Texas Workers' Compensation Commission (Commission). In its appeal, the appellant (self-insured) asserts error in the hearing officer's decision to give presumptive weight to the designated doctor's IR. The appeal file does not contain a response to the self-insured's appeal from the claimant.

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable injury on \_\_\_\_\_, and that the claimant reached maximum medical improvement on June 1, 1999. The hearing officer did not err in determining that the claimant's IR is 28%, as certified by the Commission-selected designated doctor. The self-insured contends that the designated doctor's IR was not calculated in accordance with the Guides to the Evaluation of Permanent Impairment, Third Edition, Second Printing (AMA Guides). Specifically, the carrier argues that the designated doctor improperly used the Jamar formula to determine the claimant's impairment under Table 11 of the AMA Guides, which is entitled Grading Scheme and Procedure for Determining Impairment of Affected Body Part Due to Loss of Strength. After the first session of the hearing, the hearing officer had a question as to whether the designated doctor had used the correct version of the AMA Guides in calculating the claimant's IR. Thus, he sought clarification from the designated doctor and the designated doctor affirmed that he used the correct version of the AMA Guides. The hearing officer also determined that the designated doctor exercised his professional judgment in using the Jamar test to determine the grading scheme for the claimant's loss of strength impairment. We agree that the designated doctor was free, in the exercise of his professional judgment, to use the Jamar test to determine the claimant's impairment under Table 11. Accordingly, the hearing officer did not err in giving presumptive weight to the designated doctor's report and in adopting the 28% IR. Sections 408.122(c) and 408.125(e).

The hearing officer's decision and order are affirmed.

The true corporate name of the self-insured is **(SELF-INSURED)** and the name and address of its registered agent for service of process is

**SUPERINTENDENT OF SCHOOLS  
(ADDRESS)  
(CITY), TEXAS (ZIP CODE).**

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Elaine M. Chaney  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Robert E. Lang  
Appeals Panel  
Manager/Judge