

APPEAL NO. 021819
FILED SEPTEMBER 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 June 26, 2002. The hearing officer resolved the disputed issues by deciding that the appellant (claimant) reached maximum medical improvement (MMI) on April 1, 1999, with an 11% impairment rating (IR) as reported by the designated doctor chosen by the Texas Workers' Compensation Commission (Commission). The claimant appealed and the respondent (carrier) responded.

DECISION

As reformed herein, the hearing officer's decision is affirmed.

Finding of Fact No. 2 is reformed to state that the designated doctor reported that the claimant reached MMI on April 1, 1999, and not April 18, 1997.

The MMI and IR report of the designated doctor chosen by the Commission has presumptive weight, and the Commission must base the MMI and IR determinations on that report unless the great weight of the other medical evidence is to the contrary. Sections 408.122(c) and 408.125(e). Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.6(i) provides that the designated doctor's response to a Commission request for clarification is considered to have presumptive weight. The designated doctor initially reported that the claimant reached MMI on April 1, 1999, with a 2% IR. In response to a Commission request for clarification, the designated doctor increased the IR to 11%, but did not change the MMI date. The hearing officer determined that the presumptive weight afforded to the opinion of the designated doctor was not overcome by the great weight of the other medical evidence and that the claimant reached MMI on April 1, 1999, with an 11% IR. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). 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 hearing officer's decision and order, as reformed herein, are affirmed.

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

**CT CORPORATION
350 NORTH ST. PAUL STREET, SUITE 2900
DALLAS, TEXAS 75201.**

Robert W. Potts
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Margaret L. Turner
Appeals Judge