

APPEAL NO. 021875

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 July 9, 2002, in _____, Texas, with _____ presiding as hearing officer. The hearing officer determined that the appellant (claimant) reached maximum medical improvement (MMI) on September 6, 2000, and that her impairment rating (IR) is 0%. The claimant appeals, asserting that the designated doctor should not have based his report on disputed diagnostic testing, and that she was given an MMI date inappropriately early. The respondent (carrier) urges affirmance.

DECISION

Affirmed.

The MMI and IR report of the designated doctor chosen by the Texas Workers' Compensation Commission (Commission) has presumptive weight and the Commission shall base its determination of MMI and IR on that report unless the great weight of the medical evidence is to the contrary. Sections 408.122(c) and 408.125(e). The hearing officer considered the medical evidence and decided that the great weight of the medical evidence was not contrary to the opinion of the designated doctor that the claimant reached MMI on September 6, 2000, and that her IR was 0%. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). The hearing officer reviewed the record and resolved what facts were established. We conclude that the hearing officer's determinations are sufficiently supported by the record and are 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).

We affirm the decision and order of the hearing officer.

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

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

Michael B. McShane
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Margaret L. Turner
Appeals Judge