

APPEAL NO. 021937  
FILED SEPTEMBER 12, 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 July 8, 2002. The hearing officer determined that the respondent (claimant) had disability from June 19 through August 19, 2001, and that she reached maximum medical improvement (MMI) on August 21, 2001, with a 20% impairment rating (IR) pursuant to the Texas Workers' Compensation Commission (Commission)-appointed designated doctor's certification. The appellant (carrier) appealed, asserting that the hearing officer's determinations are against the great weight of the other medical evidence, and further asserting that the designated doctor improperly applied the Guides to the Evaluation of Permanent Impairment, third edition, second printing, dated February 1989, published by the American Medical Association, in determining the claimant had a 20% IR. The claimant responded, urging affirmance. The hearing officer's determination of the issue relating to the date of the claimant's injury was not appealed and has become final. Section 410.169.

DECISION

Affirmed.

The designated doctor's MMI and IR report has presumptive weight and the Commission must base its determinations of MMI and IR on the designated doctor's report unless the great weight of the other medical evidence is to the contrary. Sections 408.122(c) and 408.125(e). The hearing officer did not err in giving the designated doctor's certification of MMI and IR presumptive weight and determining that the claimant had disability from June 19 through August 19, 2001. The disputed issues presented questions of fact for the hearing officer. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a); Texas Employers Ins. Ass'n v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). There was conflicting evidence presented on the disputed issues. It was for the hearing officer, as the trier of fact, to resolve the conflicts and inconsistencies in the evidence and to determine what facts had been established. Garza v. Commercial Ins. Co., 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). Nothing in our review of the record reveals that the hearing officer's determinations are so contrary to the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. As such, no sound basis exists for us to reverse those determinations on appeal. 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 **THE CONNECTICUT INDEMNITY COMPANY** and the name and address of its registered agent for service of process is

**CORPORATE SERVICES COMPANY  
800 BRAZOS STREET  
AUSTIN, TEXAS 78701.**

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Michael B. McShane  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Veronica Lopez  
Appeals Judge