

APPEAL NO. 022275
FILED OCTOBER 30, 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 August 19, 2002. The hearing officer resolved the disputed issues by deciding that the appellant (claimant) reached maximum medical improvement (MMI) on February 16, 2002, with a five percent impairment rating (IR). The claimant appeals the hearing officer's determination that her IR is five percent as reported by the designated doctor chosen by the Texas Workers' Compensation Commission (Commission). No response was received from the respondent (carrier). There is no appeal of the hearing officer's decision that the claimant reached MMI on February 16, 2002.

DECISION

The hearing officer's decision is affirmed.

It is undisputed on appeal that the claimant reached MMI on February 16, 2002. The claimant contends that the designated doctor did not review her medical records. The designated doctor's reports reflect that he did review the claimant's medical records.

It is undisputed on appeal that the fourth edition of the Guides to the Evaluation of Permanent Impairment, published by the American Medical Association (AMA Guides), was the appropriate edition of the AMA Guides for the designated doctor to use in evaluating the claimant's IR. Using the fourth edition of the AMA Guides, the designated doctor determined that the claimant has a five percent IR. The claimant contends that her IR should be 10% using the AMA Guides, fourth edition. Conflicting evidence was presented on the IR issue. The designated doctor explained the bases for his opinion, including his examination of the claimant, review of medical records, and citation to specific provisions of the AMA Guides, fourth edition. Section 408.125(e) provides that the report of the designated doctor shall have presumptive weight, and that the Commission shall base the IR on that report unless the great weight of the other medical evidence is to the contrary. The hearing officer determined that the great weight of the other medical evidence did not overcome the presumptive weight accorded to the amended report of the designated doctor and concluded that the claimant's IR is five percent as reported by the designated doctor. We conclude that the hearing officer's decision is supported by sufficient evidence and that it is not so contrary to the overwhelming weight 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 are affirmed.

The true corporate name of the insurance carrier is **HARTFORD INSURANCE COMPANY OF THE MIDWEST** 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.**

Robert W. Potts
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Michael B. McShane
Appeals Judge