

APPEAL NO. 022284
FILED OCTOBER 24, 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 (CCH) was held on August 19, 2002. The hearing officer determined that the appellant's (claimant) impairment rating was 13% in accordance with the report of the designated doctor, which was not against the great weight of the contrary medical evidence. The claimant appeals, arguing that her injury included her shoulder as well as her back and that the designated doctor did not properly perform the range of motion testing. The respondent (carrier) responds that the decision should be affirmed.

DECISION

We affirm the hearing officer's decision.

At the outset, we note that there was no contention at the CCH that the shoulder had been injured during the incident of _____; the claimant agreed that she had a shoulder injury from 1998. Her treatment records from her treating physician indicate a lumbar injury relating to 1999.

The report of a Texas Workers' Compensation Commission-appointed designated doctor is given presumptive weight. Sections 408.122(c) and 408.125(e). The amount of evidence needed to overcome the presumption, a "great weight," is more than a preponderance, which would be only greater than 50%. See Texas Workers' Compensation Commission Appeal No. 92412, decided September 28, 1992. Medical evidence, not lay testimony, is the evidence required to overcome the designated doctor's report. Texas Workers' Compensation Commission Appeal No. 92164, decided June 5, 1992. We have reviewed the record and cannot agree that the hearing officer erred by giving presumptive weight to the report of the designated doctor, and accordingly affirm the decision and order.

The true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS, SUITE 750, COMMODORE 1
AUSTIN, TEXAS 78701.**

Susan M. Kelley
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Michael B. McShane
Appeals Judge