

APPEAL NO. 022565
FILED DECEMBER 2, 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 27, 2002. The hearing officer determined that the respondent's (claimant) maximum medical improvement (MMI) date is April 19, 2000, the date of statutory MMI; that his impairment rating (IR) is 33% as certified by the designated doctor, Dr. L; and that he has had disability resulting from the compensable injury sustained on _____, or thereabout from December 20, 1999, through April 19, 2000. The appellant (carrier) appealed on sufficiency of the evidence grounds. The claimant filed a response, urging affirmance.

DECISION

Affirmed.

The designated doctor's MMI and IR report has presumptive weight and the Texas Workers' Compensation Commission (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). Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.6(l) (Rule 130.6(i)) provides that the designated doctor's response to a Commission request for clarification is considered to have presumptive weight. 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 December 20, 1999, through April 19, 2000. The disputed issues, and whether the claimant's current neck and chest complaints are related solely to a subsequent noncompensable car accident, 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 Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). 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 Insurance Company of Newark, New Jersey, 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 **TRANSCONTINENTAL INSURANCE 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.**

Veronica Lopez
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Michael B. McShane
Appeals Panel
Manager/Judge