APPEAL NO. 022577
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 September 12, 2002. The hearing officer resolved the disputed issue by deciding that there is a disqualifying association as specified in Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.5(d)(2)(B) (Rule 130.5(d)(2)(B)) and Rule 180.21 between the designated doctor and the appellant's (carrier)-selected required medical examination (RME) doctor. The carrier appealed. No response was received from the respondent (claimant).

DECISION

The hearing officer's decision, as reformed herein, is affirmed.

We reform Finding of Fact No. 1.D. to reflect that the parties stipulated that the Texas Workers' Compensation Commission (Commission) determined that on _____, the claimant sustained a compensable injury while in the course and scope of her employment with her employer. We also reform Conclusion of Law No. 4, which is based on Finding of Fact No. 1.D., to reflect that the Commission determined that the claimant sustained a compensable injury on _____, while in the course and scope of her employment with her employer.

Rule 130.5(d)(2)(B) references Rule 180.21 with regard to disqualifying associations. Rule 180.21(o)(2) provides that a disqualifying association is any association which may reasonably be perceived as having potential to influence the conduct or decision of the designated doctor. The hearing officer found that in light of the use of the same office space and telephone line(s) by the RME doctor and the designated doctor, the RME doctor's conduct and comments at the RME doctor's examination of the claimant, and the claimant's complaint against the RME doctor, the association between the RME doctor and the designated doctor may reasonably be perceived as having the potential to influence the conduct or decision of the designated doctor. Conflicting evidence was presented on the disputed issue. Section 410.165(a) makes the hearing officer the sole judge of the weight and credibility of the evidence. We conclude that the hearing officer's decision is supported by sufficient evidence and that it is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986). Texas Workers' Compensation Commission Appeal No. 980480, decided April 22, 1998.

We do not find that the hearing officer committed reversible error in sustaining the claimant's relevance objection to a question regarding whether she had complained about another RME doctor's examination.

The hearing officer's decision and order, as reformed herein, are affirmed.

The true corporate name of the insurance carrier is **SECURITY NATIONAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

DONALD GENE SOUTHWELL
10000 N. CENTRAL EXPRESSWAY
DALLAS, TEXAS 75265.

_____
Robert W. Potts
Appeals Judge

CONCUR:

_____
Veronica Lopez
Appeals Judge

_____
Michael B. McShane
Appeals Panel
Manager/Judge