

APPEAL NO. 022863
FILED DECEMBER 23, 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 October 10, 2002. The hearing officer determined that the appellant (claimant) has sustained disability since February 1, 2002, and that he reached maximum medical improvement (MMI) on February 1, 2002, with a 5% impairment rating (IR) pursuant to the Texas Workers' Compensation Commission (Commission)-selected designated doctor's certification. The claimant appealed the hearing officer's determination regarding MMI and IR. The respondent (carrier) responded, urging affirmance. The determination as to disability has not been appealed and has become final. Section 410.169.

DECISION

Affirmed.

The MMI and IR report of the designated doctor chosen by the Commission has presumptive weight, and the Commission must base its determination of MMI and IR on that report unless the great weight of the other medical evidence is to the contrary. Sections 408.122(c) and 408.125(e). Whether or not the great weight of the other medical records overcomes the presumption that the designated doctor's certification is correct is a question of fact for the hearing officer to resolve. In the instant case, the hearing officer determined that the conflicting medical evidence constituted a mere difference of medical opinions. Nothing in our review of the records indicates that this determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986).

The hearing officer's decision and order are affirmed.

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

GARY SUDOL
9330 LBJ FREEWAY, SUITE 1200
DALLAS, TEXAS 75243.

Gary L. Kilgore
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Susan M. Kelley
Appeals Judge