

APPEAL NO. 022888  
FILED JANUARY 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 October 9, 2002. The hearing officer determined that the respondent (claimant) reached maximum medical improvement (MMI) on October 16, 2001, with an 18% impairment rating (IR) pursuant to the certification of the Texas Workers' Compensation Commission (Commission)-appointed designated doctor. The appellant (self-insured) appealed, asserting that the great weight of the other medical evidence is contrary to the designated doctor's certification. The claimant responded, urging affirmance.

DECISION

Affirmed.

Sections 408.122(c) and 408.125(e) of the 1989 Act provide that a report of a Commission-appointed designated doctor shall have presumptive weight on the issues of MMI and IR and the Commission shall base its determination on such report unless the great weight of other medical evidence is to the contrary. The Appeals Panel has stated that the great weight of the other medical evidence requires more than a mere balancing or preponderance of the evidence; that no other doctor's report, including a treating doctor's report, is accorded the special presumptive status; that the designated doctor's report should not be rejected absent a substantial basis for doing so; and that medical evidence, not lay testimony, is required to overcome the designated doctor's report. Texas Workers' Compensation Commission Appeal No. 960817, decided June 6, 1996; Texas Workers' Compensation Commission Appeal No. 94835, decided August 12, 1994 (Unpublished).

The hearing officer determined that the other medical evidence did not constitute "the great weight of other medical evidence" contrary to the designated doctor's certification on MMI and IR. Upon review of the record in this matter, we cannot say that the hearing officer erred in this determination. As such, the hearing officer did not err in giving presumptive weight to the designated doctor's report in accordance with Sections 408.122(c) and 408.125(e).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**RM  
(ADDRESS)  
(CITY), TEXAS (ZIP CODE).**

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Gary L. Kilgore  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Thomas A. Knapp  
Appeals Judge