

APPEAL NO. 022984  
FILED JANUARY 15, 2003

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 30, 2002. The hearing officer determined that the appellant's (claimant) impairment rating (IR) is 14%. The claimant contends that this determination is against the great weight and preponderance of the evidence. The respondent (carrier) urges affirmance of the hearing officer's decision.

DECISION

Affirmed.

The hearing officer did not err in determining that the great weight of the medical evidence is contrary to the IR assigned by the designated doctor and that the claimant's IR is 14%. Section 408.125(e) of the 1989 Act provides that the report of the Texas Workers' Compensation Commission (Commission)-appointed designated doctor determining the claimant's IR has presumptive weight and the Commission shall base its determination on such report, unless the great weight of other medical evidence is to the contrary. The evidence reflects that the designated doctor assigned a 0% IR on the basis that the claimant did not have a compression fracture. The designated doctor opined that if the compression fracture were part of the compensable injury, and he firmly believed that it was not, the claimant would be entitled to a 14% IR. The carrier's required medical examination (RME) doctor and the claimant's treating doctor both included a rating for the compression fracture and assigned a 14% IR and a 20% IR, respectively. The claimant asserts that the Commission should adopt the 20% IR assigned by his treating doctor. The carrier asserts that the correct IR is 14%.

The hearing officer apparently decided that the compensable injury included a compression fracture. The hearing officer found that the other medical evidence is sufficient to overcome the presumptive weight afforded to the designated doctor and concluded that the claimant's IR is 14% as certified by the carrier's RME doctor. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established from the evidence presented. We conclude that the hearing officer's IR determination is supported by the record and is not 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).

The hearing officer's decision and order is affirmed.

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.**

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Chris Cowan  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Elaine M. Chaney  
Appeals Judge