

APPEAL NO. 023018
FILED JANUARY 16, 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 November 13, 2002. The hearing officer resolved the disputed issue by deciding that the appellant (claimant) has a five percent impairment rating (IR) as reported by the designated doctor chosen by the Texas Workers' Compensation Commission (Commission). The claimant appealed, and the respondent (carrier) responded.

DECISION

The hearing officer's decision is affirmed.

Section 408.125(e) provides that the report of the designated doctor has presumptive weight, and the Commission shall base the IR on that report unless the great weight of the other medical evidence is to the contrary. Conflicting evidence was presented on the disputed issue. The hearing officer determined that the great weight of the other medical evidence was not contrary to the five percent IR assigned by the designated doctor and concluded that the claimant has a five percent IR. We conclude that the hearing officer's decision is supported by sufficient evidence and that it is not so contrary to the overwhelming weight of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **FREMONT INDUSTRIAL INDEMNITY 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.**

Robert W. Potts
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Gary L. Kilgore
Appeals Judge