

APPEAL NO. 023139
FILED FEBRUARY 5, 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 19, 2002. The hearing officer determined that the certification by the Texas Workers' Compensation Commission (Commission)-selected designated doctor that the respondent (claimant) reached maximum medical improvement (MMI) on April 12, 2002, is against the great weight of the medical evidence; that the claimant has not yet reached MMI; and that because the claimant has not yet reached MMI, the designated doctor's certification that the claimant has an impairment rating (IR) of 0% is premature and against the great weight of the medical evidence. The appellant (self-insured) appealed, and the file does not contain a response from the claimant.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant has not yet reached MMI, therefore it is premature to award an IR, and that the certification of MMI and IR by the Commission-selected designated doctor is against the great weight of the medical evidence. The self-insured asserts that the designated doctor's certification is not contrary to the great weight of the other medical evidence. Conflicting medical evidence was presented on the disputed issues. Whether the great weight of the other medical evidence was contrary to the opinion of the designated doctor is basically a factual determination. Texas Workers' Compensation Commission Appeal No. 93459, decided July 15, 1993. We cannot agree with the self-insured's assertion on appeal that the hearing officer failed to give a "bona fide basis" to overturn the designated doctor's assessment. We are satisfied that the hearing officer sufficiently identified the medical evidence he relied upon, as well as the sufficiency of that evidence, in reaching his conclusion that the Commission-selected designated doctor's certification of MMI and IR is not entitled to presumptive weight, and that the claimant has not yet reached MMI making a certification of IR premature. Finding no reversible error, the hearing officer's decision and order are affirmed.

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

**EXECUTIVE DIRECTOR
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Daniel R. Barry
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Michael B. McShane
Appeals Panel
Manager/Judge