

APPEAL NO. 030035  
FILED FEBRUARY 20, 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 (CCH) was held on September 13, 2002. The hearing officer determined that the respondent (claimant) was not entitled to supplemental income benefits (SIBs) for the 15th quarter. The claimant appealed that determination. Our decision in Texas Workers' Compensation Commission Appeal No. 022604-s, decided November 25, 2002, reversed the case and remanded it to the hearing officer to apply Section 408.151 and Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.110 (Rule 130.110), giving presumptive weight to the designated doctor's report concerning whether the claimant's medical condition has improved sufficiently to allow the claimant to return to work. The hearing on remand was held on December 11, 2002, at the same location, with the same hearing officer presiding.<sup>1</sup> The hearing officer determined that the claimant is entitled to SIBs for the 15th quarter. The appellant (carrier) appeals, asserting that the great weight of the other medical evidence is contrary to the designated doctor's opinion. The claimant responds, urging affirmance.

DECISION

Affirmed, as corrected.

No further evidence was offered at the remand hearing. Both sides were permitted to argue their respective positions concerning whether the great weight of the other medical evidence was contrary to the opinion of the designated doctor that the claimant was unable to work. The hearing officer gave presumptive weight to the designated doctor's report, as required by Rule 130.110(b), and determined that the report was not contrary to the great weight of the other medical evidence. This was a factual call for the hearing officer to make, and his determination on the issue is not against the great weight and preponderance of the evidence.

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<sup>1</sup> We note that the decision and order lists this case as (Docket No. 1). That was the Docket No. of the previous CCH. We correct the Docket No. of this case to read: (Docket No. 2).

Accordingly, we affirm the decision and order of the hearing officer, as corrected.

The true corporate name of the insurance carrier is **LUMBERMENS MUTUAL CASUALTY 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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Michael B. McShane  
Appeals Judge  
Manager/Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Gary L. Kilgore  
Appeals Judge