APPEAL NO. 030229
FILED MARCH 6, 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 December 11, 2002. With respect to the issues before her, the hearing officer determined that the appellant's (claimant) compensable injury of _____, does not extend to and include his left hip, lumbar spine, thoracic spine, cervical spine, and/or left shoulder; that the claimant did not have disability as a result of his compensable right ankle injury; and that the claimant reached maximum medical improvement (MMI) on March 9, 2002, with an impairment rating (IR) of six percent as certified by the designated doctor selected by the Texas Workers' Compensation Commission. In his appeal, the claimant asserts error in each of those determinations. In its response to the claimant's appeal, the respondent (carrier) urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant's compensable injury of _____, does not extend to or include the left hip, lumbar spine, thoracic spine, cervical spine, and/or left shoulder. That issue presented a question of fact for the hearing officer to resolve. From the hearing officer's discussion, it is apparent that she was not persuaded that the claimant sustained his burden of proving that his compensable injury caused damage or harm to the physical structure of the body parts at issue. The hearing officer was acting within her province as the fact finder in so finding. Our review of the record does not reveal that the challenged determination is so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Therefore, no sound basis exists for us to reverse that determination on appeal. Pool v. Ford Motor Co., 715 S.W.2d 629 (Tex. 1986); Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer was not persuaded that the claimant's right ankle injury caused disability. She was acting within her province as the fact finder in so finding. Nothing in our review of the record reveals that the disability determination is so against the great weight of the evidence as to compel its reversal on appeal.

The claimant's argument that the hearing officer erred in giving presumptive weight to the designated doctor's MMI date and IR is dependent upon the success of his argument that the compensable injury includes the left hip, lumbar spine, thoracic spine, cervical spine, and/or left shoulder. The designated doctor opined that if those body parts were part of the compensable injury, the claimant had not yet reached MMI. However, he also opined that if only the right ankle injury were considered, the claimant reached MMI on March 9, 2002, with an IR of six percent. Given our affirmance of the hearing officer's extent-of-injury determination, we cannot agree that the hearing officer

erred in giving presumptive weight to the designated doctor's report or in adopting the March 9, 2002, MMI date and six percent IR.

The hearing officer's decision and order are affirmed.

According to information provided by the carrier, the true corporate name of the insurance carrier is **ACE FIRE UNDERWRITERS INSURANCE COMPANY** and the name and address of its registered agent for service of process is

JAVIER GONZALEZ
3421 WEST WILLIAM CANNON, SUITE 131
AUSTIN, TEXAS 78745.

_____
Elaine M. Chaney
Appeals Judge

CONCUR:

_____
Daniel R. Barry
Appeals Judge

_____
Robert W. Potts
Appeals Judge