

APPEAL NO. 030441  
FILED APRIL 7, 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 January 29, 2003. The hearing officer resolved the disputed issues of maximum medical improvement (MMI) and impairment rating (IR) by deciding that the appellant's (claimant) date of MMI is January 28, 2002, and that his IR is five percent as certified by the designated doctor chosen by the Texas Workers' Compensation Commission (Commission). The hearing officer resolved the disputed issue regarding a change of treating doctor by deciding that the claimant is entitled to change treating doctors to Dr. M. The claimant appealed the hearing officer's MMI and IR determinations. No response was received from the respondent (carrier). There is no appeal of the hearing officer's determination that the claimant is entitled to change treating doctors to Dr. M and that determination has become final under Section 410.169.

DECISION

Affirmed.

It is undisputed that the claimant sustained a compensable injury on \_\_\_\_\_ . The report of the designated doctor has presumptive weight and the Commission shall base its determination of MMI and IR on the designated doctor's report unless the great weight of the other medical evidence is to the contrary. Sections 408.123(c) and 408.125(c). The hearing officer found that the great weight of the medical evidence was not contrary to the designated doctor's report. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). We conclude that the hearing officer's decision is supported by sufficient evidence and that it is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **AMERICAN ZURICH INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**GARY SUDOL**  
**9330 LBJ FREEWAY SUITE 1200**  
**DALLAS, TEXAS 75243.**

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Robert W. Potts  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Thomas A. Knapp  
Appeals Judge