APPEAL NO. 030537
FILED APRIL 14, 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 January 22, 2003. With respect to the disputed issues before her, the hearing officer determined that the appellant (claimant) reached maximum medical improvement (MMI) on December 1, 1996, and had an impairment rating (IR) of 0%, as certified by the Texas Workers' Compensation Commission (Commission)-appointed designated doctor. The claimant appeals, generally challenging the sufficiency of the evidence, and specifically contesting (1) that she had no testing in April 2002, as the hearing officer wrote in Finding of Fact No. 6; (2) that the designated doctor did not review all of the medical records; (3) that Finding of Fact No. 1F should read, "Claimant started missing time from work on December 16, 1999"; and (4) that she reached MMI on December 16, 2001, with an IR of 26%, as one of her treating doctors certified. The respondent (carrier) responded, urging that the hearing officer be affirmed as the designated doctor's report should get presumptive weight, and that in Finding of Fact No. 6, the hearing officer was referring to the August 2002 testing (MRIs)[1].

DECISION

Affirmed, as modified.

We first address the claimant's complaint regarding the date listed in Finding of Fact No. 1F. The hearing officer wrote "Claimant starting missing time from work on December 16, 2000." The claimant alleges that the date should have been "December 16, 1999." Upon our review of the record, and particularly of the parties' actual stipulation to "December 16, 1999," we agree, and Finding of Fact No. 1F in the Decision and Order is hereby modified to read, "Claimant started missing time from work on December 16, 1999."

We have reviewed the remaining complained-of determinations. Section 408.122(c) and 408.125(e) provide, in part, that the report of the designated doctor shall have presumptive weight and that the Commission shall base its determinations of whether the employee has reached MMI and the employee's IR on such report unless it is contrary to the great weight of the other medical evidence. The hearing officer determined that the great weight of the other medical evidence is not contrary to the designated doctor's opinion. The evidence sufficiently supports the hearing officer's determination that the claimant reached MMI on December 1, 1996, with a 0% IR, as certified by the designated doctor. We are satisfied that the challenged factual determinations of the hearing officer are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v.

[1] The record is clear that the claimant did, in fact, have diagnostic testing in 2002, and we do not think it is germane to the disposition of this case whether the tests were in April or August 2002.

Bain, 709 S.W.2d 175, 176 (Tex. 1986); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951).

The hearing officer's decision and order is affirmed, as modified.

The true corporate name of the insurance carrier is **LIBERTY INSURANCE CORPORATION** and the name and address of its registered agent for service of process is

CT CORPORATION SYSTEMS
350 NORTH ST. PAUL, SUITE 2900
DALLAS, TEXAS 75201.

_____
Terri Kay Oliver
Appeals Judge

CONCUR:

_____
Chris Cowan
Appeals Judge

_____
Robert W. Potts
Appeals Judge