

APPEAL NO. 030610
FILED APRIL 17, 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 14, 2003. The hearing officer resolved the disputed issues by deciding that the appellant (claimant) reached maximum medical improvement (MMI) on April 24, 2002, with a 0% impairment rating (IR) as certified by the designated doctor chosen by the Texas Workers' Compensation Commission (Commission). The claimant appealed and the respondent (carrier) responded.

DECISION

Affirmed.

The parties stipulated that on _____, the claimant sustained bilateral wrist injuries. The disputed issues at the CCH were MMI and IR. Sections 408.122(c) and 408.125(c) provide that the report of the designated doctor shall have presumptive weight, and the Commission shall base its determinations of MMI and IR on the designated doctor's report unless the great weight of the other medical evidence is to the contrary. The designated doctor reported that the claimant reached MMI on April 24, 2002, and that the claimant does not have any permanent impairment as a result of her compensable injury. The claimant's treating doctor reported that the claimant reached MMI on October 15, 2002, with a 10% IR. The claimant's surgeon also reported that the claimant has some impairment.

The claimant and her husband testified that the designated doctor did not examine the claimant. The claimant asserts on appeal that the designated doctor did not perform an evaluation of her impairment. The hearing officer found that the designated doctor did examine the claimant, including range of motion testing and strength and sensory functions. The hearing officer did not find the claimant's assertions persuasive in light of the designated doctor's narrative report, which reflected that he did examine the claimant. The designated doctor also provided a response to a Commission inquiry regarding an additional medical report. The designated doctor stated that based on his findings, the claimant had normal range of motion of her wrists. The hearing officer found that there was not a great weight of medical evidence contrary to the designated doctor's report and concluded that the claimant reached MMI on April 24, 2002, with a 0% IR. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. Although there is conflicting evidence in this case, 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 **LUMBERMENS MUTUAL CASUALTY COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS
AUSTIN, TEXAS 78701.**

Robert W. Potts
Appeals Judge

CONCUR:

Daniel R. Barry
Appeals Judge

Thomas A. Knapp
Appeals Judge