

APPEAL NO. 030907
FILED MAY 15, 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 March 3, 2003. The hearing officer decided that the appellant's (claimant) impairment rating (IR) is 10%. The claimant appeals this decision. The respondent (carrier) urges affirmance.

DECISION

Affirmed.

The claimant correctly points out in his appeal that although the hearing officer's decision indicates that he was assisted by an ombudsman at the hearing, he actually represented himself without assistance from an ombudsman.

Section 408.125(e) provides, in part, that the report of the designated doctor shall have presumptive weight and that the Texas Workers' Compensation Commission (Commission) shall base its determination of the employee's IR on such report unless it is contrary to the great weight of the other medical evidence. Pursuant to Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.6(i) (Rule 130.6(i)), the designated doctor's response to a Commission request for clarification is also considered to have presumptive weight as it is part of the designated doctor's opinion. See *also* Texas Workers' Compensation Commission Appeal No. 013042-s, decided January 17, 2002. The hearing officer was not persuaded by the claimant's argument that the designated doctor's report and subsequent clarification should not be entitled to presumptive weight because of the examination method used by the doctor or his reliance on the diagnosis-related estimate model provided for in the Guides to the Evaluation of Permanent Impairment, fourth edition (1st, 2nd, 3rd, or 4th printing, including corrections and changes as issued by the American Medical Association prior to May 16, 2000). Nothing in our review of the record indicates that the hearing officer's determination that the claimant's IR is 10% is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **CONTINENTAL CASUALTY COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL
DALLAS, TEXAS 75201.**

Chris Cowan
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Margaret L. Turner
Appeals Judge