

APPEAL NO. 030946
FILED JUNE 4, 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 April 2, 2003. The hearing officer decided that the appellant's (claimant herein) impairment rating (IR) is 10% based upon the report of a designated doctor¹ selected by the Texas Workers' Compensation Commission (Commission). The claimant appeals, arguing that the hearing officer should have adopted the 29% IR of the claimant's treating doctor. The respondent (carrier herein) replies that the hearing officer did not err in adopting the 10% IR of the designated doctor.

DECISION

Finding sufficient evidence to support the decision of the hearing officer and no reversible error in the record, we affirm the decision and order of the hearing officer.

The parties stipulated that on _____, the claimant sustained compensable left arm contusion, cervical disc bulge, and lumbar disc bulge injuries. The report of the designated doctor has presumptive weight and the Commission shall base its determination of IR on the designated doctor's report unless the great weight of the other medical evidence is to the contrary. Section 408.125(e). 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).

¹ No member of the Appeals Panel is related to the designated doctor.

We affirm the hearing officer's decision and order.

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

**CORPORATION SERVICE COMPANY
800 BRAZOS, SUITE 750, COMMODORE 1
AUSTIN, TEXAS 78701.**

Gary L. Kilgore
Appeals Judge

CONCUR:

Michael B. McShane
Appeals Panel
Manager/Judge

Margaret L. Turner
Appeals Judge