

APPEAL NO. 031131  
FILED JUNE 6, 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 24, 2003. The hearing officer resolved the disputed issue by deciding that the appellant's (claimant) impairment rating (IR) is 10% as reported by the designated doctor chosen by the Texas Workers' Compensation Commission (Commission). The claimant appealed, and the respondent (carrier) responded.

DECISION

Affirmed.

It is undisputed that the claimant sustained a compensable injury on \_\_\_\_\_, and that he reached maximum medical improvement on April 4, 2000. The disputed issue was the claimant's IR. The treating doctor assigned the claimant a 17% IR. The designated doctor chosen by the Commission assigned the claimant a 10% IR. For a claim for workers' compensation benefits based on a compensable injury that occurred before June 17, 2001, Section 408.125(e) provides that if the designated doctor is chosen by the Commission, the report of the designated doctor shall have presumptive weight, and the Commission shall base the IR on that report unless the great weight of the other medical evidence is to the contrary. The hearing officer found that the designated doctor was appointed by the Commission, that the designated doctor certified that the claimant has a 10% IR as the result of his compensable injury, and that the presumptive weight accorded to the designated doctor's opinion had not been overcome by the great weight of contrary medical evidence. The hearing officer concluded that the claimant has a 10% IR as the result of his compensable injury. Conflicting evidence was presented on the disputed issue. 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. We conclude that the hearing officer's determinations that the great weight of the medical evidence is not contrary to the report of the designated doctor and that the claimant has a 10% IR are supported by sufficient evidence and are 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).

The hearing officer's decision and order are affirmed.

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

**CT CORPORATION SYSTEMS  
350 NORTH ST. PAUL STREET, SUITE 2400  
DALLAS, TEXAS 75201.**

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Robert W. Potts  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Margaret L. Turner  
Appeals Judge