APPEAL NO. 031150
FILED JUNE 18, 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 10, 2003. The hearing officer resolved the disputed issues by deciding that the appellant's (claimant) compensable injury of _____, extends to and includes the diagnosis of bilateral carpal tunnel syndrome and that the claimant's impairment rating (IR) is zero percent. The claimant appealed, disputing the IR determination. The respondent (carrier) responded, urging affirmance and objecting to the timeliness of the filing of the request for review since the claimant only provided a copy of the request for review in Spanish.

DECISION

Affirmed.

The carrier contends in its response that the claimant failed to timely file an appeal since the request for review was only provided in Spanish. The appeal was timely filed and the fact that it was filed in Spanish does not make its filing untimely. We have previously upheld the sufficiency and the timeliness of an appeal in Spanish. *See* Texas Workers' Compensation Commission Appeal No. 961408, decided September 4, 1996, and Texas Workers' Compensation Commission Appeal No. 93783, decided October 19, 1993. We find no merit in the carrier's assertion that the fact the claimant's appeal is in Spanish prevents it from being timely filed.

The parties stipulated that on _____, the claimant sustained compensable bilateral medial epicondylitis, bilateral elbow sprains/strains, bilateral carpal tunnel syndrome, and right shoulder injuries. Additionally, the parties stipulated that the claimant reached maximum medical improvement on May 21, 2001.

The hearing officer did not err in determining that the claimant's IR is zero percent as certified by the designated doctor chosen by the Texas Workers' Compensation Commission (Commission). Section 408.125(e) of the 1989 Act, the provision in effect for a claim for worker's compensation benefits based on a compensable injury that occurs before June 17, 2001, provides that the report of a Commission-appointed designated doctor determining the claimant's IR shall have presumptive weight and the Commission shall base its determination on such report, unless the great weight of other medical evidence is to the contrary. The hearing officer considered the conflicting evidence and found that the other medical evidence is not sufficient to overcome the presumptive weight afforded to the findings of the designated doctor, and concluded that the claimant has an IR of zero percent as certified by the designated doctor. 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 from the

evidence presented. We conclude that the hearing officer's determination of the claimant's IR is supported by the record and is not 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).

We affirm the decision and order of the hearing officer.

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.

_____
Margaret L. Turner
Appeals Judge

CONCUR:

_____
Chris Cowan
Appeals Judge

_____
Edward Vilano
Appeals Judge