

APPEAL NO. 031334
FILED JULY 16, 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 28, 2003. The hearing officer determined that the respondent (claimant) reached maximum medical improvement (MMI) on July 1, 2002, with a 16% impairment rating (IR) as certified by the claimant's treating doctor. The appellant (carrier) appeals, asserting that the hearing officer erred in not giving presumptive weight to the designated doctor's report. The claimant did not file a response.

DECISION

Affirmed.

The hearing did not err in determining that the claimant reached MMI on July 1, 2002, with a 16% IR. Section 408.122(c) and 408.125(e) provide that the report of the designated doctor shall have presumptive weight and the Texas Workers' Compensation Commission (Commission) shall base the MMI/IR on that report unless the great weight of the other medical evidence is to the contrary. If the great weight of the other medical evidence contradicts the IR contained in the report of the designated doctor chosen by the Commission, the Commission shall adopt the IR of one of the other doctors. We have held that the designated doctor is required to rate the entire injury. Texas Workers' Compensation Commission Appeal No. 951158, decided August 21, 1995. Whether the designated doctor's report is contrary to the great weight of the other medical evidence involves a question of fact for the hearing officer to resolve. Texas Workers' Compensation Commission Appeal No. 000869, decided June 7, 2000. The hearing officer essentially determined that the Commission-appointed designated doctor failed to properly assign a rating under the Guides to the Evaluation of Permanent Impairment, third edition, second printing, dated February 1989, published by the American Medical Association, for the claimant's entire injury including three menisectomies and any corresponding loss of range of motion. In view of the evidence, we cannot conclude that the hearing officer's MMI/IR determination 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).

The decision and order of the hearing officer are affirmed.

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

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

Edward Vilano
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Elaine M. Chaney
Appeals Judge