

APPEAL NO. 031612  
FILED AUGUST 8, 2003

This appeal after remand 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 December 3, 2002. The hearing officer determined that the impairment rating (IR) of the appellant (claimant) is 15%. Respondent (carrier) appealed that determination, contending the hearing officer erred in rejecting the report of the Texas Workers' Compensation Commission-selected designated doctor. Claimant responded that the Appeals Panel should affirm the hearing officer's decision and order. The Appeals Panel reversed the hearing officer's determination and remanded so that the hearing officer could seek clarification from the designated doctor and reconsider the IR issue consistent with the Appeals Panel's decision. Texas Workers' Compensation Commission Appeal No. 030091-s, decided March 5, 2003. The hearing officer sought and received clarification from the designated doctor and then signed a decision on remand determining that claimant's IR is 5% in accordance with the report of the designated doctor. Claimant appeals that determination, contending that the IR should be 15%. The file does not contain a response from carrier.

DECISION

We affirm.

In this case, the hearing officer considered the IR issue and the evidence regarding whether there was radiculopathy after claimant's surgery. The hearing officer made findings regarding atrophy and loss of reflexes and considered the designated doctor's report, 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), and the Appeals Panel's remand decision. We have reviewed the complained-of determinations and conclude that the issues involved fact questions for the hearing officer. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determinations are supported by the record and are 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 hearing officer's decision and order.

According to information provided by carrier, the true corporate name of the insurance carrier is **HARTFORD INSURANCE COMPANY OF THE MIDWEST** and the name and address of its registered agent for service of process is

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

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Judy L. S. Barnes  
Appeals Judge

CONCUR:

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Chris Cowan  
Appeals Judge

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Thomas A. Knapp  
Appeals Judge