

APPEAL NO. 031745
FILED AUGUST 14, 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 June 5, 2003. The hearing officer resolved the disputed issues by deciding that the appellant (claimant) reached maximum medical improvement (MMI) on April 23, 2002, and that he has no impairment (equivalent to 0% impairment rating (IR)) from the compensable injury. The claimant appealed the hearing officer's determinations and asserts that the designated doctor misapplied 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) (AMA Guides) and requests that we adopt the MMI and IR as certified by his treating doctor.

DECISION

Affirmed as reformed.

We note that the hearing officer determined in Finding of Fact No. 4 that, "The treating doctor, [Dr. M], found claimant to be at [MMI] February 17, 2003 with an [IR] of 10%." To correct a typographical error regarding the date of MMI in accordance with Dr. M's report, we reform this finding to state, "The treating doctor, [Dr. M], found claimant to be at [MMI] on January 17, 2003 with an [IR] of 10%."

The claimant testified that he sustained an injury in the course and scope of employment on _____. The hearing officer did not err in determining that the claimant reached MMI on April 23, 2002, with a 0% IR. Section 408.125(c) provides that if the designated doctor is chosen by the Texas Workers' Compensation Commission (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. Pursuant to Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.6(i) (Rule 130.6(i)), the designated doctor's response to a Commission request for clarification is also considered to have presumptive weight as it is part of the designated doctor's opinion. See *also* Texas Workers' Compensation Commission Appeal No. 013042-s, decided January 17, 2002. The hearing officer determined that the designated doctor's report was made in accordance with the AMA Guides and the designated doctor's findings are not contrary to the great weight of the medical evidence. Nothing in our review of the record indicates that the hearing officer's decision is 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 is affirmed as reformed.

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

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

Veronica Lopez-Ruberto
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Robert W. Potts
Appeals Judge