

APPEAL NO. 031957
FILED AUGUST 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 June 18, 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 appeals, contending that the 24% IR reported by his treating doctor is the appropriate IR for his injury. The carrier responds, asserting that the hearing officer's decision is supported by the evidence.

DECISION

Affirmed.

The parties stipulated that the claimant reached maximum medical improvement on August 8, 2002, for his compensable injury of _____. Section 408.125(e) provides that for a claim for workers' compensation benefits based on a compensable injury that occurs before June 17, 2001, 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 10% IR assigned by the designated doctor is not against the great weight of the medical evidence and concluded that the claimant's IR is 10% in accordance with the report of the designated doctor. Conflicting evidence was presented on the IR 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 from the evidence presented. We conclude that the hearing officer's decision is supported by sufficient evidence and is 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).

We affirm the hearing officer's decision and order.

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

**CT CORPORATION SYSTEMS
350 NORTH ST. PAUL STREET, SUIT 2900
DALLAS, TEXAS 75201.**

Robert W. Potts
Appeals Judge

CONCUR:

Veronica Lopez-Ruberto
Appeals Judge

Margaret L. Turner
Appeals Judge