

APPEAL NO. 032004
FILED SEPTEMBER 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 July 10, 2003. The hearing officer resolved the disputed issues by deciding that the appellant (claimant) reached maximum medical improvement (MMI) on February 7, 2001, with a 1% impairment rating (IR) as reported by the designated doctor chosen by the Texas Workers' Compensation Commission (Commission). The claimant appeals, contending that she proved that her MMI date is December 27, 2001, and that her IR is 24% as reported by her current treating doctor. The respondent (carrier) asserts that the evidence supports the hearing officer's decision.

DECISION

Affirmed.

It is undisputed that the claimant sustained a compensable injury to her left upper extremity on _____. The carrier's required medical examination doctor reported that the claimant reached MMI on February 7, 2001, with a 0% IR. The designated doctor reported that the claimant reached MMI on February 7, 2001, with a 1% IR. After reviewing additional medical records that were sent to him by the Commission, the designated doctor stated that his assessment of the claimant had not changed. The claimant's initial treating doctor reported that the claimant reached MMI on April 6, 2001, with a 5% IR. Another doctor who examined the claimant in November 2002 reported that the claimant has no physical impairment. The claimant's current treating doctor reported that the claimant reached MMI on December 27, 2001, with a 24% IR.

For a claim for workers' compensation benefits based on a compensable injury that occurred before June 17, 2001, Section 408.122(c) and 408.125(e) provide that the report of the designated doctor shall have presumptive weight, and the Commission shall base its determination of MMI and IR on the designated doctor's report unless the great weight of the other medical evidence is to the contrary. The hearing officer found that the presumptive weight afforded to the opinion of the designated doctor was not overcome by the great weight of other medical evidence, and concluded that the claimant reached MMI on February 7, 2001, with a 1% IR as reported 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. We conclude that the hearing officer's decision is supported by sufficient evidence and that it 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 **TRAVELERS INDEMNITY COMPANY OF CONNECTICUT** 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.**

Robert W. Potts
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Michael B. McShane
Appeals Panel
Manager/Judge