

APPEAL NO. 032226
FILED OCTOBER 13, 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 August 4, 2003. The hearing officer determined that the appellant's (claimant) impairment rating (IR) is three percent as certified by the designated doctor appointed by the Texas Workers' Compensation Commission. The claimant appeals this determination, asserting that the designated doctor misapplied the Guides to the Evaluation of Permanent Impairment, third edition, second printing, dated February 1989, published by the American Medical Association (AMA Guides) and that his report is contrary to the great weight of the other medical evidence. The respondent (self-insured) urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant's IR is three percent. The parties stipulated that the claimant reached maximum medical improvement on April 8, 1999. As stated above, the claimant asserts that the designated doctor improperly applied the AMA Guides and that his report is contrary to the great weight of the other medical evidence. Nothing in our review indicates that the designated doctor improperly applied the AMA Guides in assessing the claimant's impairment. Additionally, whether the great weight of the other medical evidence was contrary to the opinion of the designated doctor is a question of fact for the hearing officer to resolve. Texas Workers' Compensation Commission Appeal No. 93459, decided July 15, 1993. In view of the evidence presented, we cannot conclude that the hearing officer's IR determination 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 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**CITY SECRETARY
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Edward Vilano
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Michael B. McShane
Appeals Panel
Manager/Judge