

APPEAL NO. 032274
FILED OCTOBER 3, 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 29, 2003. The hearing officer determined that the appellant (claimant) reached maximum medical improvement (MMI) on July 10, 2002, with a zero percent impairment rating (IR) as certified by the designated doctor appointed by the Texas Workers' Compensation Commission. The claimant appealed on sufficiency of the evidence grounds. The respondent (carrier) urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant reached MMI on July 10, 2002, with a zero percent IR. The claimant asserts that the designated doctor's MMI/IR certification is contrary to the great weight of the other medical evidence and requests adoption of her treating doctor's certification, which she believes more fully evaluates her condition. Whether the great weight of the other medical evidence was contrary to the opinion of the designated doctor is basically a factual determination. Texas Workers' Compensation Commission Appeal No. 93459, decided July 15, 1993. We view the treating doctor's reports as representing a difference in medical opinion, which do not rise to the level of the great weight of medical evidence contrary to the designated doctor's report. Accordingly, the hearing officer's MMI/IR determination is 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 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

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

**LEO MALO
12222 MERIT DRIVE, SUITE 700
DALLAS, TEXAS 75251.**

Edward Vilano
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Robert W. Potts
Appeals Judge