

APPEAL NO. 032279  
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 July 28, 2003. The hearing officer determined that appellant's (claimant) compensable injury of \_\_\_\_\_, does not extend to include depression with anxiety, panic attacks, or post-traumatic stress disorder; that claimant reached maximum medical improvement (MMI) on March 28, 2002, with a one percent impairment rating (IR), as certified by the Texas Workers' Compensation Commission (Commission)-selected designated doctor, Dr. B; and that claimant did not have disability beginning on March 28, 2002, or continuing thereafter. Claimant appealed these determinations on sufficiency grounds. Respondent (carrier) responded that the Appeals Panel should affirm the hearing officer's decision and order.

DECISION

We affirm.

We have reviewed the complained-of determinations regarding extent of injury and disability and conclude that the issues involved fact questions for the hearing officer to resolve. There was conflicting medical evidence in the record. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determinations are 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, 176 (Tex. 1986).

Sections 408.122 and 408.125 of the 1989 Act provide that a report of a Commission-selected designated doctor shall have presumptive weight on the issues of MMI and IR, and the Commission shall base its determination on such report, unless the great weight of other medical evidence is to the contrary. 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. The hearing officer reviewed the record and decided what facts were established. He determined that the great weight of medical evidence was not contrary to the designated doctor's report. The hearing officer also reviewed the record and made determinations regarding the designated doctor's compliance with 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). The hearing officer considered the conflicting medical opinions regarding the date of MMI and the amount of impairment. We conclude that the hearing officer's determinations regarding MMI and IR are supported by the record and are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain, supra.

We affirm the hearing officer's decision and order.

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

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

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Judy L. S. Barnes  
Appeals Judge

CONCUR:

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Chris Cowan  
Appeals Judge

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Edward Vilano  
Appeals Judge