

APPEAL NO. 032955
FILED DECEMBER 30, 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 October 20, 2003. The hearing officer determined that the impairment rating (IR) of appellant (claimant) is five percent, in accordance with Dr. B, the Texas Workers' Compensation Commission (Commission)-selected designated doctor. Claimant appealed this determination and the related determinations on sufficiency grounds. Respondent (carrier) responded that the Appeals Panel should affirm the hearing officer's decision and order.

DECISION

We affirm.

Claimant contends his IR should be 25% in accordance with the report of Dr. M. Claimant asserts that the designated doctor incorrectly found that he did not have radiculopathy. Claimant also contends that Commission Advisory 2003-10 applies. The hearing officer determined that the great weight of the medical evidence supports the designated doctor's report.

We have reviewed the complained-of determinations and conclude that the hearing officer did not err in according presumptive weight to the designated doctor. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determinations 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 v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

According to information provided by carrier, the true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS, SUITE 750, COMMODORE 1
AUSTIN, TEXAS 78701.**

Judy L. S. Barnes
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Margaret L. Turner
Appeals Judge