

APPEAL NO. 040091
FILED FEBRUARY 23, 2004

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 December 9, 2003. The hearing officer determined that the appellant (claimant) reached maximum medical improvement (MMI) on May 1, 2001, with a four percent impairment rating (IR), as certified by the designated doctor appointed by Texas Workers' Compensation Commission (Commission). The claimant appeals these determinations on sufficiency of the evidence grounds. The respondent (carrier) urges affirmance of hearing officer's decision.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant reached MMI on May 1, 2001, with a four percent IR, as certified by the Commission-appointed designated doctor. The claimant asserts that the designated doctor's certification is contrary to the great weight of the other medical evidence and requests adoption of her referral doctor's certification, which she believes 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 report of the claimant's referral doctor as representing a difference in medical opinion, which does not rise to the level of the great weight of medical evidence contrary to the designated doctor's report.

The claimant also asserts that the designated doctor did not use the Guides to the Evaluation of Permanent Impairment, third edition, second printing, dated February 1989, published by the American Medical Association (Third Edition AMA Guides). However, in response to a request for clarification on this matter, the designated doctor stated:

The impairment was calculated according to the AMA Guides, 3rd Edition, 2nd Printing, 1989, not the AMA Guides to the Evaluation of Permanent [Impairment], 4th Edition as stated in the addendum dated July 3, 2003. The examinee has a 4% whole person impairment according the AMA Guides, 3rd Edition, 2nd Printing, 1989.

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 **THE AMERICAN INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**DOROTHY C. LEADERER
1999 BRYAN STREET
DALLAS, TEXAS 75201.**

Edward Vilano
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Margaret L. Turner
Appeals Judge