

APPEAL NO. 040274
FILED MARCH 19, 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 (CCH) was held on August 28, 2003, with the record held open until September 22, 2003, and the CCH was reconvened on January 13, 2004. The hearing officer determined that the appellant's (claimant) date of maximum medical improvement (MMI) is July 17, 2002, and her impairment rating (IR) is 10% as certified by the Texas Workers' Compensation Commission (Commission)-appointed designated doctor. The claimant appealed, essentially on sufficiency of the evidence grounds and additionally asserting certain procedural and evidentiary irregularities. The respondent (carrier) responded, urging affirmance.

DECISION

Affirmed.

The procedural history of this case has been adequately set forth in the hearing officer's decision and order, and will not be repeated here. The MMI/IR report of the designated doctor chosen by the Commission has presumptive weight and the Commission shall base its determination of MMI/IR on the designated doctor's report unless the great weight of the medical evidence is to the contrary. Sections 408.122(c) and 408.125(c). Whether the party challenging a designated doctor's report has produced the great weight of other medical evidence contrary to the report and whether the presumption afforded to the report is rebutted are questions of fact for the hearing officer. Texas Workers' Compensation Commission Appeal No. 950561, decided May 22, 1995. In this case, the hearing officer found that the great weight of the other medical evidence is not sufficient to contradict the designated doctor's certification dated September 9, 2003. As a reviewing tribunal, the Appeals Panel will not disturb the challenged factual findings of a hearing officer unless they are 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); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951). We do not find them so in this case.

We note that the claimant's appeal contains numerous assertions of evidentiary and procedural error. We have reviewed the record in light of the claimant's assertions, and perceive no reversible error.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **SENTRY INSURANCE, A MUTUAL COMPANY** and the name and address of its registered agent for service of process is

**TREVA DURHAM
1000 HERITAGE CENTER CIRCLE
ROUND ROCK, TEXAS 78644.**

Daniel R. Barry
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Edward Vilano
Appeals Judge