

APPEAL NO. 041883  
FILED SEPTEMBER 21, 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 June 24, 2004. The hearing officer determined that the appellant (claimant) reached maximum medical improvement (MMI) on March 20, 2001, with a five percent impairment rating (IR). The claimant appealed, arguing that the hearing officer's MMI and IR determinations are against the great weight and preponderance of the evidence. The respondent (carrier) responded, urging affirmance.

DECISION

Affirmed.

It is undisputed that the claimant sustained a compensable injury on \_\_\_\_\_, and that Dr. H is the Texas Workers' Compensation Commission (Commission)-selected designated doctor. For a claim for workers' compensation benefits based on a compensable injury that occurs before June 17, 2001, Sections 408.122(c) and 408.125(e) provide that the designated doctor's report has presumptive weight, and the Commission shall base its determinations of MMI and IR on that report unless the great weight of the other medical evidence is to the contrary. Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.6(i) (Rule 130.6(i)) provides that the designated doctor's response to a Commission request for clarification is considered to have presumptive weight. When reviewing a hearing officer's decision for factual sufficiency of the evidence we should reverse such decision only if it is so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). In this case, the hearing officer reviewed the designated doctor's report and his response to the Commission's request for clarification and determined that Dr. H's certification that the claimant reached MMI on March 20, 2001, with a five percent IR was not contrary to the great weight of other medical evidence. We are satisfied that the hearing officer's MMI and IR determinations are sufficiently supported by the evidence.

The hearing officer's decision and order are affirmed.

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

**CT CORPORATION SYSTEM  
350 NORTH ST. PAUL STREET  
DALLAS, TEXAS 75201.**

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Veronica L. Ruberto  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Robert W. Potts  
Appeals Judge