

APPEAL NO. 042173  
FILED OCTOBER 25, 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 July 28, 2004. The hearing officer determined that the appellant (claimant herein) reached maximum medical improvement (MMI) on March 27, 2000, with a zero percent impairment rating (IR) as certified by the designated doctor appointed by the Texas Workers' Compensation Commission (Commission). The hearing officer also determined that the claimant had disability beginning on January 8, 2000, and continuing through the date of the CCH. The claimant appeals the MMI and IR determinations as being contrary to the evidence. There is no response from the respondent (carrier herein) to the claimant's request for review in the appeal file.

DECISION

Finding sufficient evidence to support the decision of the hearing officer and no reversible error in the record, we affirm the decision and order of the hearing officer.

The hearing officer did not err in determining that the claimant has a zero percent IR, as certified by the designated doctor. Section 408.122(c) provides that the report of a designated doctor selected by the Commission has presumptive weight on the issue of MMI and that the Commission shall base its determination of MMI on the designated doctor's report unless the great weight of the other medical evidence is to the contrary. Section 408.125(e) provides that the Commission-selected designated doctor's IR certification is entitled to presumptive weight unless it is contrary to the great weight of the other medical evidence. We cannot conclude that the hearing officer's MMI and IR determinations 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 (Tex. 1986).

The claimant questions how he could have reached MMI on March 27, 2000, and yet have his medical treatment and disability continue for years afterwards. We have stated many times that attaining MMI does not mean an end of medical treatment. We have also observed that MMI and disability are different concepts under the 1989 Act. See Texas Workers' Compensation Commission Appeal No. 041906, decided September 22, 2004.

The decision and order of the hearing officer are affirmed.

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

**RUSSELL RAY OLIVER, PRESIDENT  
221 WEST 6TH STREET, SUITE 300  
AUSTIN, TEXAS 78701.**

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Gary L. Kilgore  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Edward Vilano  
Appeals Judge