

APPEAL NO. 042467  
FILED NOVEMBER 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 was held on August 31, 2004. The hearing officer determined that the impairment rating (IR) of appellant (claimant) is 8%, in accordance with the amended report of the Texas Workers' Compensation Commission (Commission)-selected designated doctor. Claimant appealed this determination, contending that his IR is 18%, as found by the designated doctor in his first report. Respondent (carrier) responded that the hearing officer did not err in making his determination.

DECISION

We affirm.

Section 408.125(c) provides that the designated doctor's IR report has presumptive weight and that the Commission shall base its determination of 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 a designated doctor's response to a request for clarification "is considered to have presumptive weight as it is part of the doctor's opinion." We conclude that the hearing officer's determination that the IR is 8% is supported by sufficient evidence and is not against the great weight and preponderance of the evidence. We have reviewed the contentions in claimant's brief and conclude that no reversible error has been shown.

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **TEXAS PROPERTY AND CASUALTY INSURANCE GUARANTY ASSOCIATION** for **Legion Insurance Company, an impaired carrier** and the name and address of its registered agent for service of process is

**MARVIN KELLY, EXECUTIVE DIRECTOR  
9120 BURNET ROAD  
AUSTIN, TEXAS 78758.**

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Judy L. S. Barnes  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Margaret L. Turner  
Appeals Judge