

APPEAL NO. 043127
FILED JANUARY 26, 2005

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 April 2, 2004. In Texas Workers' Compensation Commission Appeal No. 040984, decided June 14, 2004, the Appeals Panel affirmed the hearing officer's determination that the appellant/cross-respondent's (claimant) compensable injury includes herniated discs at L2-3, L3-4, and L4-5; reversed the hearing officer's determination that Dr. T was not properly appointed to serve as the designated doctor and rendered a decision that Dr. T was properly appointed to serve as the designated doctor; and remanded the issues of maximum medical improvement (MMI) and impairment rating (IR) for the hearing officer to request the designated doctor to reconsider MMI and IR based on the compensable injury. Dr. T reexamined the claimant and issued another report. The parties responded to that report. In the decision and order on remand, the hearing officer determined that the claimant's compensable injury includes herniation at L2-3, L3-4, and L4-5, but did not include any pathology at L1-2; that Dr. T was properly appointed as the designated doctor; and that the claimant reached MMI on September 6, 2002, with a zero percent IR as reported by Dr. T. The claimant appeals the hearing officer's determinations that Dr. T was properly appointed as the designated doctor and that he reached MMI on September 6, 2002, with a zero percent IR. The respondent/cross-appellant (carrier) appeals the hearing officer's determination that the compensable injury includes herniation at L2-3, L3-4, and L4-5. Each party filed a response.

DECISION

Affirmed.

For the reasons stated in Appeal No. 040984, *supra*, we affirm the hearing officer's determinations in his decision on remand with regard to the issues of the extent of injury and the proper appointment of Dr. T as the designated doctor. With regard to the MMI and IR issues, the hearing officer found that the great weight of the other medical evidence is not contrary to the designated doctor's certification of MMI and IR. See Sections 408.122(c) and 408.125(c) and Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.6(i) (Rule 130.6(i)). The hearing officer concluded that the claimant reached MMI on September 6, 2002, with a zero percent IR as certified by the designated doctor. Although there is conflicting evidence in this case, we conclude that the hearing officer's determinations on the MMI and IR issues are supported by sufficient evidence and are not 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 (Tex. 1986).

The hearing officer's decision and order on remand are affirmed.

The true corporate name of the insurance carrier is **AMERICAN SAFETY CASUALTY 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.**

Robert W. Potts
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Margaret L. Turner
Appeals Judge