

APPEAL NO. 950247

Pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act), a contested case hearing was held in (city), Texas, on January 20, 1995, (hearing officer) presiding as hearing officer. On the single issue before her, she determined that the appellant's (claimant) impairment rating (IR) was 12% as certified by the Texas Workers' Compensation Commission (Commission)-selected designated doctor. Claimant appeals urging that the IR should be higher, that the designated doctor did not thoroughly examine her, and that she is still in pain. The respondent (carrier) urges that the evidence is sufficient to support the decision of the hearing officer.

DECISION

The decision and order of the hearing officer are affirmed.

The claimant sustained a compensable injury to her lower extremity on (date of injury). Her treating doctor ultimately found her to be at maximum medical improvement (MMI) on August 1, 1994, and determined that she had a 26% IR. This was disputed and a Commission-selected designated doctor was appointed to render an IR. A comprehensive report was rendered by the designated doctor certifying an IR of 12%. Following inquiry from the Commission regarding the disagreement by the treating doctor, the designated doctor explained his methodology and reasoning and adhered to his 12% IR. The hearing officer found that the great weight of the other medical evidence was not contrary to the designated doctor's report. Section 408.125(e). Our review of the record does not disclose any sound basis to disturb the finding and conclusion of the hearing officer. Clearly, given the unique position of the designated doctor and the presumptive weight accorded his opinion, there is sufficient evidence to support the decision of the hearing officer. Texas Workers' Compensation Commission Appeal No. 92412, decided September 28, 1992. While it is unfortunate that the claimant may continue to experience some pain from the compensable injury, this does not mean that MMI has not been reached or that a IR is not valid. See Texas Workers' Compensation Commission Appeal No. 941752, decided February 8, 1995; Texas Workers' Compensation Commission Appeal No. 93007, decided February 18, 1993. Accordingly, the decision and order of the hearing officer are affirmed.

Stark O. Sanders, Jr.
Chief Appeals Judge

CONCUR:

Lynda H. Nesenholtz
Appeals Judge

Alan C. Ernst
Appeals Judge