

APPEAL NO. 001750

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 July 13, 2000. With regard to the only issue before him, the hearing officer determined that the appellant's (claimant) average weekly wage (AWW) is \$616.15. The claimant appealed, contending that the agreed-upon AWW was \$626.15 as set out in a Benefit Dispute Agreement (TWCC-24) dated July 13, 2000. The claimant requests that we review the record, correct the typographical errors, and hold that the claimant's AWW is \$626.15. The appeals file does not contain a response from the respondent (carrier).

DECISION

Affirmed as reformed.

The sole issue was the AWW. In evidence is the benefit review conference agreement which reflects that the claimant and the carrier agreed on an AWW of \$626.15. The hearing officer's decision references that agreement stating the "parties agreed the Claimant's [AWW] was \$625.15. [Emphasis added.]" Subsequently, a finding of fact refers to "the parties' agreement is reproduced in Addendum A." Unfortunately, Addendum A recites that the "correct AWW is \$616.15."

Our review of the limited record discloses nothing which indicates that the AWW is anything other than the \$626.15 recited in the copy of the TWCC-24. It appears that all of the other references to \$625.15 and \$616.15 are in error.

Accordingly, we reform the hearing officer's decision and order to reflect that the claimant's correct AWW is \$626.15 as agreed upon in the TWCC-24.

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Kenneth A. Huchton  
Appeals Judge

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Tommy W. Lueders  
Appeals Judge