

APPEAL NO. 012469  
FILED NOVEMBER 14, 2001

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 September 10, 2001. The hearing officer determined that the respondent (carrier) was entitled to contribution against impairment income benefits and supplemental income benefits of 50%.

The appellant (claimant) appeals and argues that no contribution is due, or, in any case, lower than 50%, because his previous injury was several years ago and he was able to work after that. The carrier responds by citing facts and previous Appeals Panel decisions in support of the hearing officer.

DECISION

We affirm the hearing officer's decision.

The hearing officer did not err in allowing contribution in the amount of 50%. Medical records and opinions concerning the extent to which the \_\_\_\_\_ injury and 1987 lumbar surgery affected the impairment rating after a \_\_\_\_\_ injury and lumbar surgery. Contribution may be allowed for an "old" law injury. Texas Workers' Compensation Commission Appeal No. 950898, decided July 17, 1995. Because impairments of the spine are expressed in terms of "regional" impairments, the fact that prior surgery affected a different disc does not preclude contribution. Texas Workers' Compensation Commission Appeal No. 001121, decided June 26, 2000. The Appeals Panel has stated that while testimony about a claimant's apparent "recovery" from an earlier injury can be considered by the trier of fact in assessing "cumulative impact," it cannot override medical evidence of contribution. Texas Workers' Compensation Commission Appeal No. 992161, decided November 15, 1999.

In considering all the evidence in the record, we cannot agree that the findings of the hearing officer are so against the great weight and preponderance of the evidence as to be manifestly wrong and unjust. In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951). That is not the case here, and we affirm the decision and order.

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

**GAIL L. ESTES  
1525 NORTH INTERSTATE 35 EAST, SUITE 220  
CARROLLTON, TEXAS 75006.**

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Susan M. Kelley  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Elaine M. Chaney  
Appeals Judge