

APPEAL NO. 030444
FILED APRIL 10, 2003

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 January 14, 2003. The hearing officer determined that appellant (claimant) is not entitled to lifetime income benefits (LIBs) based on an injury to the skull resulting in incurable imbecility. Claimant appealed this determination on sufficiency grounds. Respondent (carrier) responded that the Appeals Panel should affirm the hearing officer's decision and order.

DECISION

We affirm.

Claimant contends the hearing officer erred in determining that claimant suffered a closed head injury and that there was no damage to the bony structure of claimant's head. Several physicians referred to claimant's injury as a closed head injury. There was evidence that claimant did not sustain a skull fracture when he fell and hit his head. The hearing officer could find from the evidence that claimant did not have an injury to the skull resulting in incurable insanity or imbecility. Section 408.161(a)(6). We perceive no reversible error.

Claimant contends the hearing officer erred in determining that he is not entitled to LIBs. Claimant asserts that the fact that he has post-traumatic encephalopathy resulting in severe cognitive deficits shows that he has incurable imbecility and is entitled to LIBs. In this case, Dr. B stated that she was "unable to make a diagnosis of dementia secondary to brain trauma (a skull injury resulting in incurable imbecility)." Dr. Y stated that claimant did not exhibit the characteristics of a person with traumatic brain injury and indicated that claimant's decline in verbal skills supports a conclusion of progressive dementia, "probably of the Alzheimer's type." He also said that the records and his findings "do not support a conclusion that [claimant] had 'an injury to the skull resulting in incurable imbecility.'"

We have reviewed the complained-of determinations and conclude that the issues involved fact questions for the hearing officer. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determinations are supported by the record and are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

According to information provided by carrier, the true corporate name of the insurance carrier is **STATE FARM FIRE & CASUALTY COMPANY** and the name and address of its registered agent for service of process is

**RON DODD
8900 AMBERGLEN BOULEVARD
AUSTIN, TEXAS 78729.**

Judy L. S. Barnes
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Terri Kay Oliver
Appeals Judge