

APPEAL NO. 040353  
FILED APRIL 8, 2004

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 8, 2004. The hearing officer resolved the disputed issue by deciding that the appellant (carrier) is not entitled to a reduction of the respondent's (claimant) impairment income benefits (IIBs) and supplemental income benefits (SIBs) based on contribution from an earlier compensable injury. The carrier appeals, contending that the hearing officer's determination is against the great weight and preponderance of the evidence. No response was received from the claimant.

DECISION

Affirmed.

Contribution for a documented impairment from an earlier compensable injury is provided for in Section 408.084. In the instant case the claimant was assigned a 5% impairment rating (IR) for her 1995 compensable injury and a 22% IR for her 1999 compensable injury. In reaching her decision, the hearing officer took into consideration Section 408.084(b) which provides that the Texas Workers' Compensation Commission shall consider the cumulative impact of the compensable injuries on the employee's overall impairment in determining a reduction under this section. After considering the evidence, the hearing officer found that the 1995 compensable injury had no cumulative impact on the claimant's overall impairment and concluded that the carrier is not entitled to a reduction of the claimant's IIBs and SIBs based on contribution from an earlier compensable injury. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. We conclude that the hearing officer's decision is supported by sufficient evidence and is 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).

We affirm the hearing officer's decision and order.

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

**MR. RUSSELL R. OLIVER, PRESIDENT  
221 WEST 6TH STREET  
AUSTIN, TEXAS 78701.**

---

Robert W. Potts  
Appeals Judge

CONCUR:

---

Chris Cowan  
Appeals Judge

---

Margaret L. Turner  
Appeals Judge