

fund for the amount of income benefits paid to a worker under Section 408.042 that are based on employment other than the employment during which the compensable injury occurred.

The hearing officer did not err in determining that the claimant was employed by a nonclaim employer entitling him to increased income benefits pursuant to Section 408.042 and Rule 128.1(h). The hearing officer is the sole judge of the weight and credibility to be given to the evidence. Section 410.165(a). When reviewing a hearing officer's decision for factual sufficiency of the evidence we should reverse such decision only if it is so contrary to the overwhelming weight of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Pool v. Ford Motor Co., 715 S.W.2d 629, 635 (Tex. 1986). Applying the standard above, we find no legal error in the hearing officer's finding that the claimant is entitled to increased income benefits pursuant to Section 408.042 and Rule 128.1(h).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**DM
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Veronica L. Ruberto
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

CONCUR IN THE RESULT:

Edward Vilano
Appeals Judge