

APPEAL NO. 040912  
FILED MAY 27, 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 (CCH) was held on April 6, 2004. The hearing officer resolved the disputed issue by deciding that the appellant (claimant) "is not entitled to lifetime income benefits [LIBs] based on the loss of and/or total loss of use of both hands and/or one foot and one hand as of this date." The claimant appeals, contending that the great weight of the evidence proves that he sustained a compensable injury and that he is entitled to LIBs. The respondent (self-insured) asserts that the claimant's appeal is inadequate and that the evidence supports the hearing officer's decision that the claimant is not entitled to LIBs.

DECISION

Affirmed.

The only disputed issue at the CCH was entitlement to LIBs based on the loss of and/or total loss of use of both hands and/or one foot and one hand. There was no disputed issue regarding whether the claimant sustained a compensable injury. The parties stipulated that the claimant sustained a compensable injury. Although the claimant incorrectly states in the appeal that the hearing officer found that he did not sustain an injury on the job, because the hearing officer did not make such a finding, the claimant does appeal the hearing officer's determination on the LIBs issue, contending that the evidence established "a loss of all his body parts," that his doctor has him off work, and that he is entitled to LIBs. The claimant requests that we reverse the hearing officer's decision and render a new decision based on the great weight of the evidence that he is entitled to LIBs. With regard to the self-insured's assertion that the claimant's appeal is inadequate, we find that the claimant has filed a sufficient appeal of the hearing officer's adverse determination on the LIBs issue.

Section 408.161 is the statutory provision for LIBs. The hearing officer considered the evidence and determined that the claimant is not entitled to LIBs. 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 that it 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 **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

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

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Robert W. Potts  
Appeals Judge

CONCUR:

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Daniel R. Barry  
Appeals Judge

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Chris Cowan  
Appeals Judge