

APPEAL NO. 041199
FILED JULY 5, 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 April 28, 2004. On the sole issue, the hearing officer decided that the commutation of impairment income benefits (IIBs) on May 24, 2002, is valid and final. The appellant (claimant) appeals, asserting that the commutation is invalid because maximum medical improvement (MMI) and impairment rating (IR) were in dispute, and because she was misinformed about her eligibility for future income benefits. The respondent (carrier) urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant's commutation of IIBs is valid and final. Section 408.128(a) provides that an employee may elect to commute the remainder of IIBs to which she is entitled "if the employee has returned to work for at least three months, earning at least 80 percent of the employee's average weekly wage." Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 147.10 (Rule 147.10) further provides that the request must be in writing on a form prescribed by the Texas Workers' Compensation Commission (Commission); must state the date of MMI, the IR, and the employee's weekly income benefit; must be sent to the carrier and filed with the Commission field office; and must include a warning that commutation terminates the employee's entitlement to additional income benefits for the injury. We have said that a carrier need not go behind the document to determine whether the representations contained therein are accurate or whether the claimant has any inconsistent intentions. Texas Workers' Compensation Commission Appeal No. 992541, decided December 29, 1999; see *also* Texas Workers' Compensation Commission Appeal No. 93894, decided November 17, 1993 (noting that in requesting commutation of IIBs the claimant essentially expressed an agreement with the MMI/IR certification referenced therein). The hearing officer considered the evidence and found that the requirements of Section 408.128 and Rule 147.10 were satisfied. The hearing officer was not persuaded that the claimant was misinformed concerning her eligibility for future income benefits. In view of the evidence presented, we cannot conclude that the hearing officer's determination is 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).

The decision and order of the hearing officer is affirmed.

The true corporate name of the insurance carrier is **THE INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS, SUITE 750
AUSTIN, TEXAS 78701.**

Edward Vilano
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Gary L. Kilgore
Appeals Judge