

APPEAL NO. 041416
FILED JULY 20, 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 May 26, 2004. The hearing officer determined that the respondent/cross-appellant's (claimant herein) _____, compensable injury extends to and include the diagnosis of Post-traumatic Alzheimer's Dementia but does not include the diagnosis of Parkinson's disease, and that the claimant is entitled to lifetime income benefits (LIBs) caused in part by a physically traumatic injury to the brain resulting in incurable imbecility.

The appellant/cross-respondent self-insured (carrier herein) appealed, contending that there is insufficient evidence of causation citing a report that said the compensable injury "MAY have exacerbated, accelerated . . . an underlying . . . condition." The claimant appeals, contending that the compensable injury should include Parkinson's disease. The claimant responds to the carrier's appeal. The file does not contain a response from the carrier.

DECISION

Affirmed.

It is undisputed that the claimant sustained multiple injuries including a closed head injury in a roll over truck accident on _____. The parties stipulated that the claimant sustained a compensable injury on that date. Ms. V testified at the CCH that she was the daughter and court appointed guardian of the claimant. Ms. V testified regarding the claimant's condition, inability to care for himself and the requirement for "24/7" care.

All the doctors agree that the claimant has the claimed conditions but disagree on whether they were caused in part, or at all, by the motor vehicle accident. The carrier's appeal states that only Dr. G indicates that the claimed conditions "MAY" have been accelerated by the accident and that "is in no way indicative of a concrete causal connection." At least three other doctors have also expressed an opinion that the accident "had evolved into a severe Alzheimer's disease." Dr. T report of October 1, 2003). The hearing officer cites Dr. C conclusion. The claimant appeals the determination that the compensable injury only extends to the Alzheimer's and not Parkinson's disease. A review of the medical reports supports that the focus of the reports is on the claimant's Alzheimer's disease. The hearing officer commented that he was not persuaded that the compensable injuries were a cause of, or aggravated, the Parkinson's disease. The hearing officer's determinations on the extent of injury are supported by the evidence.

Section 408.161(a)(6) provides that LIBs are payable for injuries that occur on or after September 1, 1997, for a physically traumatic injury to the brain resulting in incurable insanity or imbecility. The carrier's appeal of this issue is predicated on the contention that there was insufficient evidence to support the extent-of-injury issue. Having affirmed the extent issue we also affirm the LIBs issue.

We have reviewed the complained-of determinations and conclude that the hearing officer's determinations 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.

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

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

Thomas A. Knapp
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Gary L. Kilgore
Appeals Judge