



**Fourth Court of Appeals**  
**San Antonio, Texas**

**CONCURRING OPINION**

No. 04-13-00419-CV

**TEXAS DEPARTMENT OF INSURANCE**, Workers' Compensation Division,  
Appellant

v.

**Roel DE LOS SANTOS**,  
Appellee

From the 229th Judicial District Court, Duval County, Texas  
Trial Court No. DC-11-147  
Honorable Ana Lisa Garza, Judge Presiding

Opinion by: Rebeca C. Martinez, Justice  
Concurring Opinion by: Patricia O. Alvarez, Justice

Sitting: Marialyn Barnard, Justice  
Rebeca C. Martinez, Justice  
Patricia O. Alvarez, Justice

Delivered and Filed: August 27, 2014

Because I agree that the evidence is sufficient to support the trial court's determination that De Los Santos is entitled to Lifetime Income Benefits, and that the trial court erred in ordering the Subsequent Injury Fund to pay Lifetime Income Benefits, I concur in the majority's analysis and holding. I respectfully disagree, however, with the majority's modification of the judgment. I would simply modify the judgment to delete the language requiring the Subsequent Injury Fund to pay Lifetime Income Benefits.

Patricia O. Alvarez, Justice