

## APPEAL NO. 001325

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 18, 2000. The appellant (claimant) and the respondent (carrier) stipulated that the qualifying period for the 15th quarter for supplemental income benefits (SIBs) began on October 7, 1999, and ended on January 5, 2000; that the qualifying period for the 16th quarter began on January 6, 2000, and ended on April 6, 2000; and that the claimant's unemployment during those qualifying periods was a direct result of his impairment from the compensable injury. The hearing officer determined that the claimant is entitled to SIBs for the 16th quarter. That determination has not been appealed and has become final under the provisions of Section 410.169. The hearing officer also determined that the claimant did not conduct and document a job search during every week of the qualifying period for the 15th quarter because he did not conduct a job search from December 21, 1999, through January 3, 2000; that there is no good cause exception to the rule requirement that a claimant conduct and document a job search every week during the qualifying period; that during the qualifying period for the 15th quarter, the claimant did not make a good faith effort to obtain employment commensurate with his ability to work; and that he is not entitled to SIBs for the 15th quarter. The claimant appealed the determinations that he did not make a good faith effort to obtain employment during the qualifying period and that he is not entitled to SIBs for the 15th quarter; contended that he had good cause for not seeking employment from December 21, 1999, through January 2, 2000, because he had to travel to Mexico to attend a funeral of a relative; and requested that the Appeals Panel reverse the decision of the hearing officer concerning entitlement to SIBs for the 15th quarter and render a decision that he is entitled to SIBs for that quarter. The carrier responded; stated that the Appeals Panel has held that there is no good cause exception to the requirement in Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102(d) and (e) (Rule 130.102(d) and (e)) that during each week of a qualifying period the claimant conduct and document a job search; and requested that the Appeals Panel affirm the determination that the claimant is not entitled to SIBs for the 15th quarter.

### DECISION

We affirm.

In Texas Workers' Compensation Commission Appeal No. 992232, decided November 18, 1999 (Unpublished), the claimant also contended that she had good cause for not seeking employment for about 25 days when she was out of the state because of family reasons. The Appeals Panel did not accept that argument and wrote:

The rule is clear and unambiguous on its face and contains no good cause exceptions. It is beyond the authority of the Appeals Panel to graft such exceptions onto the rule. Rodriguez v. Service Loyds Insurance Company, 997 S.W.2d 248 (Tex. 1999).

We affirm the decision and order of the hearing officer.

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Tommy W. Lueders  
Appeals Judge

CONCUR:

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Kathleen C. Decker  
Appeals Judge

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Thomas A. Knapp  
Appeals Judge