

APPEAL NO. 002616

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). On October 31, 2000, a hearing was held. The hearing officer determined that the respondent (claimant) is entitled to the third quarter of supplemental income benefits (SIBs). The appellant (carrier) appealed, asserting that the claimant's unemployment was not a direct result of his impairment and that the hearing officer erred in finding that the claimant made a good faith effort to seek employment. The claimant responded, asserting that the hearing officer's decision is supported by the evidence.

DECISION

Affirmed.

The claimant testified that he had been fired from his old job when he was injured and that he had been unable to go to work at some of the places where he looked for employment because of his injury. The claimant also testified that he was injured while lifting a heavy piece of sheetrock and the functional capacity evaluation in evidence lists the claimant's ability as sedentary. The hearing officer did not err in finding that the claimant's unemployment during the qualifying period was a direct result of his impairment.

Although the carrier correctly points out that the hearing officer miscounted the number of employers contacted by the claimant during the qualifying period; Texas Workers' Compensation Commission Appeal No. 941160, decided October 12, 1994, and subsequent cases have established that there is no magic number of job contacts which must be made to qualify for SIBs, even under the new SIBs rules. The hearing officer was evidently persuaded that the claimant was seeking employment with the intent to obtain employment.

Our review of the dates listed on the Application for [SIBs] (TWCC-52) in evidence indicates that the claimant did make at least one job contact during each week of the qualifying period. The hearing officer did not err in finding that the claimant made a good faith effort to seek employment commensurate with his ability to work during each week of the qualifying period.

The hearing officer's decision is affirmed.

Kenneth A. Huchton
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Judy L. Stephens
Appeals Judge