

APPEAL NO. 002678

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 October 16, 2000. The issue at the CCH was whether the respondent (claimant herein) was entitled to supplemental income benefits (SIBs) for the fifth and sixth quarters. The claimant wrote a letter to the hearing officer prior to the hearing in which she stated that after speaking to the ombudsman she decided she did not have a chance of winning and therefore was withdrawing her case from the docket. The hearing officer gave the appellant (carrier herein) an opportunity to submit evidence at the CCH. The hearing officer issued a decision dismissing the case and ordering that the carrier was not liable to the claimant for SIBs for the fifth and sixth quarters. The carrier appeals, arguing that the hearing officer should not have dismissed the case, but should have made a decision on whether the claimant made a good faith job search during the qualifying periods for the fifth and sixth quarters.

DECISION

Finding sufficient evidence to support the decision of the hearing officer and no reversible error in the record, we affirm the decision and order of the hearing officer.

The hearing officer dismissed the claim for SIBs for the fifth and sixth quarters based upon the claimant's request and ordered that the carrier was not liable for these benefits. The carrier fails to show it is aggrieved by the hearing officer's doing this rather than denying the SIBs benefits to the claimant based upon a finding of no good faith job search. Without a showing of how it was aggrieved by the hearing officer's decision relieving it of liability, we find no basis to reverse the decision of the hearing officer.

The decision and order of the hearing officer are affirmed.

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Gary L. Kilgore  
Appeals Judge

CONCUR:

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Susan M. Kelley  
Appeals Judge

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Robert E. Lang  
Appeals Panel  
Manager/Judge