

APPEAL NO. 002813

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 November 13, 2000. With regard to the issue before her, the hearing officer determined that the claimant was entitled to supplemental income benefits (SIBs) for the fourth quarter. The appellant (carrier) appealed. No response was received from the claimant.

DECISION

The hearing officer's decision is affirmed.

The parties stipulated that the claimant sustained a compensable injury on _____; that the claimant's impairment rating is 15% or more; that the claimant did not commute impairment income benefits; that the qualifying period for the fourth quarter was from April 20, 2000, through July 19, 2000; that the fourth quarter was from August 3, 2000, through November 1, 2000; and that the claimant did not earn any wages during the qualifying period.

Eligibility criteria for SIBs entitlement are set forth in Section 408.142(a) and Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102(Rule 130.102). Rule 130.102(d)(4) provides that an injured employee has made a good faith effort to obtain employment commensurate with the employee's ability to work if the employee has been unable to perform any type of work in any capacity, has provided a narrative report from a doctor which specifically explains how the injury causes a total inability to work, and no other records show that the injured employee is able to return to work.

The CCH record contains the claimant's testimony and medical reports. The hearing officer did not err in determining that during the qualifying period the claimant's unemployment was a direct result of his impairment, the claimant had no ability to work, and the claimant made a good faith effort to find employment commensurate with his ability to work. The hearing officer did not err in determining that the narrative report requirement was met and that no other records showed that the claimant is able to return to work. The hearing officer's decision is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Texas Workers' Compensation Commission Appeal No. 001055, decided June 28, 2000.

The hearing officer's decision is affirmed.

Robert W. Potts
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Gary L. Kilgore
Appeals Judge