

APPEAL NO. 002839

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on November 20, 2000. With respect to the issue before him, the hearing officer determined that the respondent (claimant) is entitled to supplemental income benefits (SIBs) seventh quarter. In its appeal, the appellant (carrier) contends that the hearing officer's determinations that the claimant made a good faith job search and that he is entitled to SIBs for the seventh quarter are against the great weight of the evidence. In his response to the carrier's appeal, the claimant urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant is entitled to SIBs for the seventh quarter. In its appeal, the carrier emphasizes the same factors that it emphasized at the hearing and contends that those factors demonstrate that the claimant's job search does not rise to the level of a good faith search. Section 410.165(a) provides that the hearing officer is the sole judge of the weight and credibility of the evidence. Accordingly, the significance, or lack thereof, of the factors emphasized by the carrier was a matter left to the hearing officer to determine in resolving the factual question of whether the claimant satisfied the good faith requirement. Nothing in our review of the record demonstrates that the hearing officer's determinations that the claimant made a good faith job search or that he is entitled to SIBs for the seventh quarter are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Thus, no sound basis exists for us to reverse those determinations on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

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Elaine M. Chaney  
Appeals Judge

CONCUR:

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Susan M. Kelley  
Appeals Judge

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Robert W. Potts  
Appeals Judge