

## APPEAL NO. 002890

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 14, 2000. The hearing officer determined that the respondent (claimant) was entitled to supplemental income benefits (SIBs) for the sixth compensable quarter.

The appellant (carrier) appealed, contending that the claimant's unemployment was not a direct result of his impairment and that while the claimant was enrolled in a vocational rehabilitation program, that program was not full time and the claimant had 42 days in the qualifying period that he was not in school and not looking for work. The claimant responded, citing two Appeals Panel decisions and requesting affirmance.

### DECISION

Affirmed.

The background facts and jurisdictional elements have been established in Texas Workers' Compensation Commission Appeal No. 000677, decided May 17, 2000, and Texas Workers' Compensation Commission Appeal No. 001895, decided September 19, 2000, where the entitlement to SIBs for this claimant was litigated on essentially the same grounds for the third, fourth, and fifth compensable quarters.

The parties stipulated that the qualifying period for the sixth quarter was from May 3 through August 1, 2000. The claimant testified, and the documentation supports, that he was enrolled in a full-time vocational rehabilitation program sponsored by the Texas Rehabilitation Commission (TRC). The only thing that makes this case at all different from the other noted Appeals Panel decisions is that the claimant was between sessions from May 3 to May 30, 2000, and from June 28 to July 9, 2000. The claimant testified that during this time he had graded assignments from a "critical thinking book" to be handed in at the end of the break. The claimant relies on Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102(d)(2) (Rule 130.102(d)(2)), where a good faith effort has been established if the claimant:

- (2) has been enrolled in, and satisfactorily participated in, a full time vocational rehabilitation program sponsored by the [TRC] during the qualifying period[.]

We are not persuaded by the carrier's argument that the direct result criteria has not been met and that the claimant is required to look for work on weekends, holidays, and between sessions when he is enrolled in the full-time course of study prescribed by the vocational rehabilitation program sponsored by the TRC.

Accordingly, we affirm the hearing officer's decision in this case for the same reasons and on the same basis as Appeal No. 000677, *supra*, and Appeal No. 001895, *supra*.

The hearing officer's decision and order are affirmed.

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Kenneth A. Huchton  
Appeals Judge