

APPEAL NO. 010425

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 February 6, 2001. On the sole issue, the hearing officer determined that the respondent (claimant) was entitled to supplemental income benefits (SIBs) for the first and second compensable quarters. The appellant (carrier) urges reversal, asserting that the hearing officer's decision is not supported by sufficient evidence. The claimant urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant was entitled to SIBs for the first and second compensable quarters. The claimant had the burden to prove that his impairment from the compensable injury was a cause of his unemployment and that he made a good faith effort to obtain employment commensurate with his ability to work, *viz.*, that he satisfactorily participated in a full-time vocational rehabilitation program sponsored by the Texas Rehabilitation Commission. Section 408.142(a); Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102(c) and (d)(2) (Rule 130.102(c) and (d)(2)). There was conflicting evidence presented at the hearing with regard to these issues. The hearing officer's determination is not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

Susan M. Kelley
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Philip F. O'Neill
Appeals Judge