

APPEAL NO. 010465

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 February 5, 2001. The hearing officer found that the respondent (claimant) was entitled to supplemental income benefits (SIBs) for her eighth and ninth quarters of eligibility, that she had a total inability to work, and that her unemployment was a direct result of her impairment. The appellant (carrier) has appealed these determinations and the claimant responds by seeking affirmance.

DECISION

We affirm the hearing officer's decision.

The hearing officer did not err by finding that the claimant met the "good faith" job search criterion set forth under Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102(d)(4) (Rule 130.102(d)(4)). As the hearing officer noted (and the doctor for the carrier also observed), the functional capacity report did not say that the claimant had the ability to perform sedentary work and was inconclusive. The finder of fact is supported by the record in his finding that treating doctors have supplied narratives explaining how the impairment results in the total inability to work. Likewise, the hearing officer did not err in finding that the claimant's unemployment was the direct result of her back injury, for which she has had surgery.

We affirm the decision and order of the hearing officer as not against the great weight and preponderance of the evidence. In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951)

Susan M. Kelley
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Thomas A. Knapp
Appeals Judge