

APPEAL NO. 010501

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 13, 2001. With respect to the single issue before him, the hearing officer determined that the appellant (claimant) is not entitled to supplemental income benefits (SIBs) for the 12th quarter, which ran from October 23, 2000, to January 21, 2001. In her appeal, the claimant essentially argues that the hearing officer's determination that she did not satisfy the good faith requirement under Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102(e) (Rule 130.102(e)) because she did not document a weekly job search is against the great weight of the evidence. In its response to the claimant's appeal, the respondent (carrier) urges affirmance. The carrier did not appeal the hearing officer's determination that the claimant's unemployment in the 12th quarter qualifying period was a direct result of her impairment.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant is not entitled to SIBs for the 12th quarter. Rule 130.102(e) provides in relevant part that "an injured employee who has not returned to work and is able to return to work in any capacity shall look for employment commensurate with his or her ability to work every week of the qualifying period and document his or her job search efforts." In this case, the hearing officer specifically found that the claimant did not make or document job search efforts for every week of the qualifying period. Our review of the record does not demonstrate that the hearing officer's determination in that regard is so contrary to the great weight of the evidence as to be clearly wrong or manifestly unjust. Therefore, no sound basis exists for us to reverse that determination on appeal. Pool v. Ford Motor Co., 715 S.W.2d 629, 635 (Tex. 1986); Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). Under Rule 130.102(e), the hearing officer properly determined that the claimant did not make a good faith effort to look for work commensurate with her ability to work in the qualifying period for the 12th quarter because he found that the claimant did not look for work in each week of the period as she was required to do.

The hearing officer's decision and order are affirmed.

Elaine M. Chaney
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Thomas A. Knapp
Appeals Judge