

APPEAL NO. 010550

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 30, 2000. In response to the issues before him, the hearing officer determined that: (1) respondent (claimant) established entitlement to supplemental income benefits (SIBs) for the 5th quarter; (2) appellant (carrier) is relieved of liability for 5th quarter SIBs because claimant did not timely file his TWCC-52; (3) claimant is entitled to SIBs for the 6th quarter; (4) claimant is partially entitled to the payment of SIBs only for the period of the 6th quarter beginning August 1, 2000, which was the date claimant late-filed his application for supplemental income benefits (TWCC-52) (5) claimant is entitled to SIBs for the 7th quarter; and (6) claimant's wages earned each week during the 5th, 6th, and 7th quarter qualifying periods were \$225.00, \$236.54, and \$243.85 per week, respectively. Carrier appealed the determinations regarding entitlement to 6th and 7th quarter SIBs on sufficiency grounds. Carrier also challenged the amount of wages earned for the filing periods for those two quarters. Claimant urges affirmance of the hearing officer's decision.

DECISION

We affirm.

We have reviewed the complained-of determinations and conclude that the issues involved fact questions for the hearing officer. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determinations are 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).

We affirm the hearing officer's decision and order.

Judy L. S. Barnes
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Thomas A. Knapp
Appeals Judge