

APPEAL NO. 010789

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 March 22, 2001. The hearing officer determined that respondent (claimant) is entitled to supplemental income benefits (SIBs) for the fourth quarter. Appellant (carrier) appealed this determination on sufficiency grounds, challenging both the good faith and direct result determinations. Claimant responded that the Appeals Panel should affirm the hearing officer's decision and order.

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, 176 (Tex. 1986). We note that the hearing officer's decision is affirmable under the facts regarding this qualifying period, but note that limiting one's search to jobs that pay almost twice the hourly wage that a claimant was making at the time of injury is inconsistent with a good faith search.

We affirm the hearing officer's decision and order.

Judy L. S. Barnes
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Thomas A. Knapp
Appeals Judge