

APPEAL NO. 010989
FILED JUNE 15, 2001

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 April 17, 2001. The parties stipulated that the appellant (claimant herein) was not entitled to supplemental income benefits (SIBs) for the first, second, and third quarters. The hearing officer determined that the claimant was not entitled to SIBs for the fourth quarter. The claimant appeals contending all adverse findings by the hearing officer were contrary to the evidence. The respondent (carrier herein) replies that there is sufficient evidence to support the decision of the hearing officer.

DECISION

Finding sufficient evidence to support the decision of the hearing officer and no reversible error in the record, we affirm the decision and order of the hearing officer.

The hearing officer did not err in determining that the claimant is not entitled to SIBs for the fourth quarter, which ran from December 21, 2000, to March 21, 2001. Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102(d)(4) (Rule 130.102(d)(4)) provides that an injured employee has made a good faith effort to obtain employment commensurate with the employee's ability to work if the employee "has been unable to perform any type of work in any capacity, has provided a narrative report from a doctor which specifically explains how the injury causes a total inability to work, and no other records show that the injured employee is able to return to work." The hearing officer determined that there was no narrative report that explained how her injury caused a total inability during the qualifying period for the fourth quarter. The hearing officer was acting within her province as the fact finder under Section 410.165(a) in making this determination. Nothing in our review of the record demonstrates that the hearing officer's determinations are so against the great weight of the evidence as to be clearly wrong or manifestly unjust. As such, we will not disturb those determinations, or the determination that the claimant is not entitled to SIBs for the fourth quarter, 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). This is so even though another fact finder might have drawn other inferences and reached other conclusions. Salazar v. Hill, 551 S.W.2d 518 (Tex. Civ. App.-Corpus Christi 1977, writ ref'd n.r.e.).

The hearing officer's decision and order are affirmed.

Gary L. Kilgore
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Robert W. Potts
Appeals Judge