

APPEAL NO. 011153
FILED JULY 03, 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 13, 2001. There were 13 disputed issues before the hearing officer, which we combine to be entitlement to supplemental income benefits (SIBs) for the 1st through 11th quarters, whether the respondent/cross-appellant (claimant) has permanently lost entitlement to income benefits pursuant to Section 408.146(c), and whether the appellant/cross-respondent (carrier) is relieved of liability for SIBs because of the claimant's failure to timely file an Application for Supplemental Income Benefits (TWCC-52) for the 1st through 11th quarters.

With regard to those issues, the hearing officer determined that the claimant was not entitled to SIBs for the 1st, 5th, 6th, 7th, and 10th quarters; that the claimant was entitled to SIBs for the 2nd, 3rd, 4th, 8th, 9th, and 11th quarters; that the claimant has not permanently lost entitlement to income benefits; and that the carrier is relieved of liability for SIBs because of lack of timely filing for the 8th, 9th, and 11th quarters.

The carrier appeals the adverse findings to it that the claimant is entitled to certain quarters of SIBs and that the claimant has not lost permanent entitlement to income benefits. The claimant appeals the findings that she is not entitled to certain quarters of SIBs and that she did not timely file in other quarters. Both parties respond to the other's appeal, urging affirmance on the issues on which they prevailed.

DECISION

Affirmed.

The hearing officer did not err in her determinations on the disputed issues and the decision is supported by sufficient evidence. There was conflicting evidence presented at the hearing on the issues. The hearing officer weighed the credibility and inconsistencies in the evidence and the hearing officer's determination on the issues is not against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951).

Accordingly, the hearing officer's decision and order are affirmed.

Thomas A. Knapp
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Philip F. O'Neill
Appeals Judge