

APPEAL NO. 011282
FILED JULY 24, 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 May 14, 2001. With respect to the issue before her, the hearing officer determined that the respondent (claimant) is entitled to supplemental income benefits (SIBs) for the fourth quarter. The appellant (carrier) argues that the hearing officer erred in making her determinations that the claimant satisfied the good faith and direct result requirements, and in determining that the claimant is entitled to SIBs for the fourth quarter.

DECISION

Affirmed, as modified.

The hearing officer reviewed the testimony and evidence presented at the hearing and determined that the claimant's unemployment is a direct result of her compensable injury, and that her enrollment in a full-time vocational rehabilitation program sponsored by the Texas Rehabilitation Commission (TRC) during the qualifying period for the fourth quarter satisfied the good faith requirement of Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102(d)(2) (Rule 130.102(d)(2)). There is sufficient evidence in the record to establish that the claimant sustained a serious injury with lasting effects such that she could no longer do the job that she had at the time of her compensable injury, and that her unemployment was a direct result of her compensable injury. There is also sufficient evidence in the record to support the hearing officer's determination that the claimant satisfied the good faith requirement of Rule 130.102(d)(2) by satisfactorily participating in a full-time vocational rehabilitation program. The claimant could no longer perform her job with the employer, so she resigned. The claimant attempted to work another job, but due to her compensable injury her attempt failed. The claimant was referred to the TRC by the carrier, and she has been compliant with the Individualized Plan for Employment established for her by a TRC counselor. Our review of the record does not reveal that the hearing officer's good faith and direct result determinations are so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Therefore, no sound basis exists for us to reverse those determinations, or the determination that the claimant is 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).

We note that the hearing officer's stipulations contain an obvious typographical error in the dates of the qualifying period. Accordingly, we modify Finding of Fact No. 1.F. to reflect that the dates of the qualifying period are from October 31, 2000, to January 29, 2001.

The hearing officer's decision and order are affirmed as modified.

Elaine M. Chaney
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Michael B. McShane
Appeals Judge