

APPEAL NO. 011308
FILED JULY 10, 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 (CCH) was held on May 21, 2001. With regard to the only issue before him, the hearing officer determined that the appellant (claimant) was not entitled to supplemental income benefits for the seventh quarter.

The claimant appeals, basically arguing that her treating doctor's report was more credible than an inconsistent functional capacity evaluation (FCE) performed by Dr. G. The claimant also contends that she had looked for work in the final nine days of the qualifying period contrary to the hearing officer's finding. The respondent (carrier) responds, urging affirmance.

DECISION

Affirmed.

We have reviewed the complained-of determinations and conclude that the hearing officer did not err as a matter of law. 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 affirm the hearing officer's decision and order.

Thomas A. Knapp
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Michael B. McShane
Appeals Judge