

APPEAL NO. 011817
FILED SEPTEMBER 10, 2001

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). This case is back before us after our remand in Texas Workers' Compensation Commission Appeal No. 011068-S, decided June 25, 2001. We had remanded the case for the hearing officer to determine whether there was a good faith effort by the respondent (claimant) to obtain employment during the qualifying period for the fourth quarter of supplemental income benefits (SIBs). The hearing officer was specifically referred to Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102(e)(10) (Rule 130.102(e)(10)), registration with the Texas Workforce Commission, and Rule 130.102(e)(11), any other relevant factor, in assessing good faith effort. On remand the hearing officer determined that it was not necessary to hold a hearing on remand. The hearing officer further determined that the claimant did make a good faith effort to obtain employment commensurate with his ability to work during the qualifying period for the fourth quarter of SIBs, and that he is entitled to SIBs for the fourth quarter. The appellant (carrier) appealed and the claimant responded, urging affirmance.

DECISION

Affirmed.

Rule 130.102(e) provides that an injured employee who has not returned to work and is able to return to work in any capacity shall look for employment commensurate with his or her ability to work every week of the qualifying period and document his or her job search efforts. This rule goes on to list a number of factors which may be considered in determining whether a good faith effort was made, including the number and types of jobs sought, the existence of applications or resumes to document the job search efforts, any job search plan, and the amount of time spent in attempting to find employment. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). Whether the required good faith job search exists is a question of fact for the hearing officer to decide. Texas Workers' Compensation Commission Appeal No. 950307, decided April 12, 1995. Nothing in our review of the record indicates that the challenged determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to disturb the determination of the hearing officer on appeal. Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986); Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **RELIANCE NATIONAL INDEMNITY COMPANY** and the name and address of its registered agent for service of process is

**TIMOTHY J. MCGUIRE
633 NORTH STATE HIGHWAY 161, SUITE 200
IRVING, TEXAS 75038**

Michael B. McShane
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Robert W. Potts
Appeals Judge