

APPEAL NO. 011892  
FILED SEPTEMBER 27, 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 July 2, 2001. The hearing officer resolved the disputed issue by determining that the appellant (claimant) is not entitled to supplemental income benefits (SIBs) for the sixth quarter. The claimant appealed and the respondent (carrier) responded, urging affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant is not entitled to SIBs for the sixth quarter. Eligibility criteria for SIBs are set forth in Section 408.142(a) and Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102 (Rule 130.102). Rule 130.102(b) provides that an injured employee who has an impairment rating of 15% or greater, and who has not commuted impairment income benefits, is eligible to receive SIBs if, during the qualifying period, the employee (1) has earned less than 80% of the employee's average weekly wage as a direct result of the impairment from the compensable injury; and (2) has made a good faith effort to obtain employment commensurate with the employee's ability to work. The hearing officer determined that the claimant was not entitled to SIBs for the sixth quarter because she did not make a good faith effort to obtain employment commensurate with her ability to work.

Whether the claimant has made a good faith search for employment commensurate with the claimant's ability to work is a question of fact for the hearing officer to determine from the evidence. Texas Workers' Compensation Commission Appeal No. 950307, decided April 12, 1995. The factors that the hearing officer may consider are set out in Rule 130.102(e), and include applications or resumes which document the job search effort, the number and types of jobs sought, and the amount of time spent attempting to find employment. In the instant case, the hearing officer listened to the evidence presented regarding the claimant's job search efforts, and determined that the search was not made in good faith. Upon review of the record submitted, we find no reversible error and we will not disturb the hearing officer's determinations unless they are so against the great weight and preponderance of the evidence as to be clearly wrong or unjust. In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951). We do not so find and, consequently, the decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **LIBERTY MUTUAL FIRE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM  
350 NORTH ST. PAUL ST.  
DALLAS, TEXAS 75201.**

---

Susan M. Kelley  
Appeals Judge

CONCUR:

---

Thomas A. Knapp  
Appeals Judge

---

Robert E. Lang  
Appeals Panel  
Manager/Judge