

APPEAL NO. 012285
FILED NOVEMBER 7, 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 September 4, 2001. The hearing officer held that the appellant (claimant) was not entitled to supplemental income benefits (SIBs) for the fifth quarter of eligibility because she failed to make a good faith search for employment, as analyzed considering the factors set out in Tex. W.C. Comm'n, 28 TEX. ADMIN CODE § Rule 130.102(e) (Rule 130.102(e)).

The claimant has appealed, pointing out the numerous searches for work that she made during the qualifying period. The respondent (carrier) responds that the decision should be affirmed.

DECISION

We affirm the hearing officer's decision.

The hearing officer did not err in holding that the claimant was not entitled to SIBs. While the claimant certainly documented numerous contacts, evidence developed about how the claimant carried out her search evidently persuaded the hearing officer that the search was not aimed at obtaining employment as much as documenting a search. The evidence conflicted; the hearing officer is the sole judge of the weight and credibility of the evidence, Section 410.165, and the decision will not be disturbed unless the findings of the hearing officer are so against the great weight and preponderance of the evidence as to be manifestly wrong and unjust. In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951). We cannot agree that this was the case, and affirm the decision and order.

According to the document filed by the carrier in the record, the true corporate name of the insurance carrier is **ACE USA/OR** and the name and address of its registered agent for service of process is

**MARCUS MERRITT, CLAIMS VICE PRESIDENT
ACE USA/OR
600 CAMPUS CIRCLE DRIVE EAST, SUITE 200
IRVING, TEXAS 75063.**

Susan M. Kelley
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Thomas A. Knapp
Appeals Judge