

APPEAL NO. 012316  
FILED NOVEMBER 8, 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. With respect to the single issue before her, the hearing officer determined that the respondent (claimant) is entitled to supplemental income benefits (SIBs) for the seventh quarter. In its appeal, the appellant (carrier) argues that the hearing officer's determination that the claimant made a good faith effort to look for work commensurate with his ability to work is against the great weight of the evidence. In his response to the carrier's appeal, the claimant urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant made a good faith effort to look for work commensurate with his ability to work in the qualifying period. That issue presented a question of fact for the hearing officer. Texas Workers' Compensation Commission Appeal No. 950307, decided April 12, 1995. The hearing officer is the sole judge of the relevance and materiality of the evidence and of its weight and credibility. Section 410.165(a). The hearing officer resolves conflicts and inconsistencies in the evidence and decides what facts the evidence has established. Texas Employers Ins. Ass'n v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). When reviewing a hearing officer's decision, we will reverse such decision only if it is so contrary to the overwhelming weight of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Pool v. Ford Motor Co., 715 S.W.2d 629, 635 (Tex. 1986).

The carrier contends that the hearing officer's good faith determination is against the great weight of the evidence. In so arguing, the carrier emphasizes the same factors on appeal as it emphasized at the hearing. The significance, if any, of those factors was a matter left to the hearing officer in determining whether the claimant had sustained his burden of proof. The hearing officer was persuaded that the claimant's job search efforts in the qualifying period rose to the level of a good faith search. Nothing in our review of the record demonstrates that the hearing officer's determination in that regard is so contrary to the great weight of the evidence as to be clearly wrong or manifestly unjust. Therefore, no sound basis exists for us to reverse that determination, or the determination that the claimant is entitled to SIBs for the seventh quarter, on appeal. Cain; Pool.

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

**JIM ADAMS  
450 GEARS ROAD, SUITE 500  
HOUSTON, TEXAS 77067.**

---

Elaine M. Chaney  
Appeals Judge

CONCUR:

---

Gary L. Kilgore  
Appeals Judge

---

Michael B. McShane  
Appeals Judge