

APPEAL NO. 012387  
FILED NOVEMBER 19, 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 12, 2001. The hearing officer resolved the disputed issues by concluding that the appellant (claimant) is not entitled to supplemental income benefits (SIBs) for the 11th quarter. Claimant appeals, arguing that respondent (carrier) had no factual or legal basis for denying SIBs for the 11th quarter and that the carrier did not compare the factual situation of the qualifying period for the previous quarter with the factual situation of the 11th quarter qualifying period as required by Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.108(a) (Rule 130.108(a)). Claimant additionally argues that the hearing officer's decision is so against the great weight and preponderance of the evidence as to be manifestly unjust. Carrier responds that claimant did not produce any evidence that the comparison required by Rule 130.108(a) was not conducted and that sufficient evidence exists to support the determinations made by the hearing officer.

DECISION

We affirm.

We have reviewed the complained-of determinations regarding good faith and direct result and conclude that the issues involved fact questions for the hearing officer. 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).

Claimant contends that carrier disputes SIBs entitlement without a "factual or legal basis" and without making a comparison between the factual situation of the previous qualifying period with the factual situation of the current qualifying period. There was no issue as to this point at the hearing. Even if there were, there is nothing to show that carrier did not make such a comparison. Further, in the case before us, there was evidence from Dr. K in which he indicated that claimant is not totally unable to work. This evidence could have provided carrier with a basis to dispute in this case.

We affirm the hearing officer's decision and order.

According to the information provided at the hearing, the true corporate name of the insurance carrier is **INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA** and the name and address of its registered agent for service of process is

**WILLIAM PARNELL  
8144 WALNUT HILL LANE, SUITE 1600  
DALLAS, TEXAS 75231.**

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Judy L. S. Barnes  
Appeals Judge

CONCUR:

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Susan M. Kelley  
Appeals Judge

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Gary L. Kilgore  
Appeals Judge