

APPEAL NO. 012427
FILED NOVEMBER 15, 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 20, 2001. The hearing officer resolved the disputed issue by determining that the appellant (claimant) is not entitled to supplemental income benefits (SIBs) for the 15th quarter. The claimant appealed on sufficiency grounds and the respondent (carrier) responded, urging affirmance.

DECISION

Affirmed.

It is undisputed that the qualifying period for the 15th quarter of SIBs was from February 6, 2001, through May 7, 2001; that the claimant had some ability to work during the qualifying period for the 15th quarter; that the claimant did seek employment during the qualifying period for the 15th quarter; and, that the claimant did not make or document a job search during the last week of the qualifying period for the 15th quarter. At issue in this appeal is whether the claimant made a good faith job search during the qualifying period for the 15th quarter. In his appeal, the claimant refer to "conflicting information that has been provided" but does not contend that he looked for a job during the final week of the qualifying period. The qualifying period dates are correctly stated on the Application for [SIBs] (TWCC-52).

Section 408.142(a)(4) provides that in addition to the other eligibility requirements, which are not at issue in this case, an employee is entitled to SIBs if the employee has attempted in good faith to obtain employment commensurate with the employee's ability to work. Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102(d)(5) (Rule 130.102(d)(5)) provides that an injured employee has made a good faith effort to obtain employment commensurate with the employee's ability to work if the employee has provided sufficient documentation as described in Rule 130.102(e) to show that he or she has made a good faith effort to obtain employment. Rule 130.102(e) provides that, except as provided in subsection (d)(1), (2), (3), and (4), 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.

The hearing officer did not err in determining that the claimant did not make a good faith effort to obtain employment during the qualifying period for the 15th quarter and that he is, therefore, not entitled to SIBs for the 15th quarter.

The claimant's TWCC-52 for the 15th quarter documents no job searches for the period of April 29, 2001, through May 7, 2001. The claimant testified that he did not look for work during the final week of the qualifying period. Because the claimant did not

document a job search every week of the qualifying period for the 15th quarter, he is not entitled to SIBs for the 15th quarter pursuant to Rule 130.102(d)(5) and (e).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **WAUSAU UNDERWRITERS INS. CO.** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEMS
350 NORTH SAINT PAUL, SUITE 2900
DALLAS, TEXAS 75201.**

Philip F. O'Neill
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Thomas A. Knapp
Appeals Judge