

APPEAL NO. 012488  
FILED NOVEMBER 29, 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 25, 2001. He determined that the appellant (claimant) was not entitled to supplemental income benefits for his third quarter of eligibility.

The claimant appeals the hearing officer's determination that he did not attempt in good faith to obtain employment commensurate with his ability to work. The respondent (carrier) responds, urging the factual sufficiency of the evidence.

DECISION

The hearing officer's decision is affirmed.

Conflicting evidence was provided about the effort expended by the claimant in attempting to find work that he could perform. The hearing officer stated in his decision why he was not persuaded that the claimant's job search was undertaken to find employment commensurate with his ability to work. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established from the evidence presented. The hearing officer's decision is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951).

The hearing officer's decision and order 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 SYSTEMS  
350 NORTH ST. PAUL, SUITE 2900  
DALLAS, TEXAS 75201.**

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Susan M. Kelley  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Philip F. O'Neill  
Appeals Judge