

APPEAL NO. 012496
FILED NOVEMBER 28, 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 24, 2001. The hearing officer found that the respondent's (claimant) search for employment constituted a good faith search for employment entitling her to supplemental income benefits (SIBs) for the eighth quarter. The appellant (self-insured) appeals this, pointing out that the claimant was just going through the motions to qualify for SIBs rather than seeking employment. The claimant responds that the record supports the hearing officer's decision.

DECISION

The hearing officer's decision is affirmed.

The claimant resided in a small town which was near to two other relatively small towns. Her former employer, a major employer for the area, had shut down in early summer of 2001, and had been releasing 300 employees since the first of the year, which spanned the filing period under consideration here. The claimant had documented a search for employment in every week of the filing period but only a few employers were involved. She made many "cold calls" or followed up on rumors from her friends as to what employers were hiring. A great many of the businesses she contacted were not hiring. Although no doctor's restriction against driving is included in the record, the claimant said that three of the medications she took made her disoriented and light headed, and she therefore would not drive more than just very short distances. Most often, she was driven to her desired destinations by adult children living at home. The claimant said that she conveyed a willingness to do any light job, full or part time.

The claimant is right-handed, according to the record, but her _____, repetitive trauma injury and subsequent restrictions involved to her left hand upper extremity. A functional capacity evaluation found that the claimant could perform at both the sedentary and light working levels. The claimant was 40 years old and her entire 16-year work experience had been for her previous employer. The claimant said she had applied for Social Security disability, in part because she believed she could not get a job.

Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE §130.102(e) (Rule 130.102(e)) lists the factors that the trier of fact should consider in evaluating whether a good faith effort has been made to find employment commensurate with the ability to work. Some of the factors include the number of jobs applied for throughout the qualifying period (Rule 130.102(e)(1)), the types of jobs sought by the injured employee (Rule 130.102(e)(2)), the education and experience of the employee (Rule 130.102(e)(6)), and potential barriers to successful employment searches (Rule 130.102(e)(9)). While it is plain that different inferences could have been drawn, the hearing officer's inferences are not so against the great weight and preponderance of the evidence as to be manifestly unfair or unjust.

Atlantic Mutual Insurance Company v. Middleman, 661 S.W.2d 182 (Tex. App.-San Antonio 1983, writ ref'd n.r.e.).

We affirm the decision and order.

The true corporate name of the insurance carrier/self-insured is **V F CORPORATION, INC.** and the name and address of its registered agent for service of process is:

**CINDY HARRIS
CORPORATION SERVICE COMPANY
800 BRAZOS
AUSTIN, TEXAS 78701.**

Susan M. Kelley
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Thomas A. Knapp
Appeals Judge