

APPEAL NO. 012497
FILED DECEMBER 5, 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. With respect to the single issue before him, the hearing officer determined that the appellant (claimant) is not entitled to supplemental income benefits (SIBs) for the fifth quarter. In her appeal, the claimant essentially argues that the hearing officer's determination that she had some ability to work in the qualifying period, that she did not provide a narrative report specifically explaining how the injury causes a total inability to work, and that she is not entitled to SIBs for the fifth quarter are against the great weight of the evidence. The appeal file does not contain a response to the claimant's appeal from the respondent (self-insured). The self-insured also did not appeal the hearing officer's determination that "there is no other credible record which shows that Claimant is able to return to work"; thus, we will not further discuss that criterion in this decision.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant was not entitled to SIBs for the fifth quarter. At the hearing, it was undisputed that the claimant had neither returned to work nor looked for work during the time period in question and that the claimant based her entitlement to SIBs for the quarter in dispute on an assertion of total inability to work. Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102(d)(4) (Rule 130.102(d)(4)) 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 been unable to perform any type of work in any capacity, has provided a narrative report from a doctor which specifically explains how the injury causes a total inability to work, and no other records show that the injured employee is able to return to work. The hearing officer determined that the claimant did not provide a narrative from a doctor specifically explaining how the injury caused a total inability to work. Whether or not the claimant supplied a narrative was a question of fact for the hearing officer. The hearing officer's determinations that the claimant did not satisfy the requirements of Rule 130.102(d)(4), and that she therefore is not entitled to SIBs for the fifth quarter are supported by sufficient evidence and are not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Accordingly, no sound basis exists for us to reverse those determinations on appeal. 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 hearing officer's decision and order are affirmed.

The true corporate name of the self-insured is **POLITICAL SUBDIVISION THROUGH EAST TEXAS EDUCATIONAL ASSOCIATION** and the name and address of its registered agent for service of process is

ADDRESS
CITY, STATE ZIP

Elaine M. Chaney
Appeals Judge

CONCUR:

Michael B. McShane
Appeals Judge

Philip F. O'Neill
Appeals Judge