

APPEAL NO. 013017  
FILED JANUARY 28, 2002

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 November 6, 2001. With respect to the issues before him, the hearing officer determined that the respondent (claimant) is entitled to supplemental income benefits (SIBs) for the 10<sup>th</sup> quarter and that he is not entitled to SIBs for the 11<sup>th</sup> quarter. In its appeal, the appellant (carrier) argues that the hearing officer's determinations that the claimant had no ability to work in the qualifying period for the 10<sup>th</sup> quarter and that he is entitled to SIBs for that quarter are against the great weight of the evidence. The appeal file does not contain a response to the carrier's appeal from the claimant. In addition, the claimant did not appeal the determination that he is not entitled to SIBs for the 11<sup>th</sup> quarter and, as such, that issue is not before us on appeal.

DECISION

Affirmed.

At issue in this case is whether the claimant satisfied the good faith requirement for SIBs entitlement by establishing that he had no ability to work during the qualifying period for the 10<sup>th</sup> quarter pursuant to Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102(d)(4) (Rule 130.102(d)(4)). The hearing officer determined that the claimant satisfied his burden of proof under Rule 130.102(d)(4). Nothing in our review of the record reveals that the hearing officer's determination in that regard is so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to reverse that determination, or the determination that the claimant is entitled to SIBs for the 10<sup>th</sup> quarter, on appeal. Pool v. Ford Motor Co., 715 S.W.2d 629 (Tex. 1986); Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **AMERICAN MOTORISTS INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**ATTENTION: WAYNE GILL  
CORPORATION SERVICE COMPANY  
800 BRAZOS  
AUSTIN, TEXAS 78701.**

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Elaine M. Chaney  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Terri Kay Oliver  
Appeals Judge