

APPEAL NO. 013067  
FILED JANUARY 28, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). After a continuance on August 9, 2001, a contested case hearing was held on November 15, 2001. The hearing officer resolved the issues before him by determining that appellant (claimant) is not entitled to supplemental income benefits (SIBs) for the fourth, fifth, sixth, seventh, and eighth quarters and that he has permanently lost entitlement to SIBs pursuant to Section 408.146(c) because he was not entitled to SIBs for 12 consecutive months. Claimant appealed on sufficiency grounds the determination of nonentitlement to SIBs for the fourth, fifth, sixth, seventh, and eighth quarters and the determination that he has permanently lost entitlement to SIBs. Respondent (carrier) responded, urging affirmance.

DECISION

We affirm.

The parties stipulated that (1) claimant sustained a compensable lower back injury on \_\_\_\_\_; (2) the qualifying period for the fourth quarter was from December 1, 1999, through February 29, 2000; (3) the qualifying period for the fifth quarter was from March 1, 2000, through May 30, 2000; (4) the qualifying period for the sixth quarter was from May 31, 2000, through August 29, 2000; (5) the qualifying period for the seventh quarter was August 30, 2000, through November 28, 2000; and (6) the qualifying period for the eighth quarter was November 29, 2000, through February 27, 2001.

At the hearing, claimant asserted that he had no ability to work during the qualifying periods in question. Claimant testified that he did not make any job searches during the qualifying periods for the fourth, fifth, sixth, and seventh quarters, and that he made 20 job contacts during a seven-day period during the qualifying period for the eighth quarter. Claimant did not make a job search every week of the qualifying period for the eighth quarter. The hearing officer determined that (1) claimant failed to provide a narrative which specifically explained how his compensable injury caused a total inability to work, (2) claimant had an ability to perform sedentary work with restrictions as set out in a July 25, 2000, functional capacity evaluation during the relevant time period, and (3) claimant did not make a good faith job search.

Nothing in our review of the record indicates that the hearing officer's determination that claimant did not provide a narrative report in conformance with Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102(d)(4) (Rule 130.102(d)(4)) is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. As such, no sound basis exists for us to reverse that determination, or the determination that claimant is not entitled to SIBs for the fourth through eighth quarters. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). Because we affirm the hearing officer's determination that claimant is not entitled to SIBs for the disputed quarters, we also affirm his determination

that claimant has permanently lost entitlement to SIBs pursuant to Section 408.146(c) because he was not entitled to SIBs for 12 consecutive months.

We affirm the hearing officer's decision and order.

According to information provided by carrier, the true corporate name of the insurance carrier is **MICHIGAN MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CINDY GHALIBAF  
7610 STEMMONS FREEWAY  
DALLAS, TEXAS 75247.**

---

Judy L. S. Barnes  
Appeals Judge

CONCUR:

---

Terri K. Oliver  
Appeals Judge

---

Robert W. Potts  
Appeals Judge