

APPEAL NO. 013085
FILED FEBRUARY 1, 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 14, 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 fourth quarter. In his appeal, the claimant contends that the hearing officer's SIBs determination is against the great weight of the evidence. In its response, the respondent (carrier) urges affirmance.

DECISION

Affirmed.

At issue in this case is whether the claimant satisfied the good faith requirement for SIBs entitlement by establishing that he made a good faith search for employment during the qualifying period for the fourth quarter pursuant to Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102(e) (Rule 130.102(e)), or by enrolling in, and satisfactorily participating in, a full-time vocational rehabilitation program sponsored by the Texas Rehabilitation Commission in accordance with Rule 130.102(d)(2). The hearing officer determined that the claimant failed to meet his burden of proof under either Rule 130.102(d)(2) or 130.102(e). Nothing in our review of the record reveals that the hearing officer's determinations in that regard are 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 those determinations. 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 also determined that the claimant did not sustain his burden of proving that his unemployment in the qualifying period was a direct result of his impairment from the compensable injury. The hearing officer was acting within his province as the fact finder in crediting the evidence from the doctors who examined the claimant on behalf of the carrier and determined that he could return to full-duty work without restrictions. The hearing officer's direct result determination is not so against the great weight of the evidence as to compel its reversal. Given our affirmance of the hearing officer's determinations that the claimant did not satisfy the good faith or direct result criteria, we also likewise affirm the determination that the claimant is not entitled to SIBs for the fourth quarter.

The hearing officer's decision and order are affirmed.

The true corporate name of the carrier is **ST. PAUL FIRE AND MARINE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

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

Elaine M. Chaney
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Michael B. McShane
Appeals Judge