

APPEAL NO. 013094
FILED FEBRUARY 7, 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 27, 2001. In resolving the issues before her, the hearing officer determined that the appellant (claimant) was not entitled to supplemental income benefits (SIBs) for the third and fourth compensable quarters. The claimant, seeking reversal, appeals the determination on sufficiency grounds. We find no response from the respondent (carrier) in the appeals file.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant was not entitled to SIBs for the third and fourth quarters. Eligibility criteria for SIBs entitlement are set forth in Section 408.142(a) and Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102 (Rule 130.102). The parties stipulated that the claimant sustained a compensable injury, that he has a 47% impairment rating, and that he did not commute impairment income benefits. The claimant proceeded on an inability to work argument, but the hearing officer determined that the claimant did have an ability to work during the qualifying periods for the third and fourth quarters, as noted in other medical records. The parties presented conflicting evidence on the issues. We have reviewed the issues and conclude that they involved fact questions for the hearing officer. The hearing officer resolved those questions in favor of the carrier. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). The hearing officer reviewed the record and resolved what facts were established. We conclude that the hearing officer's determination is sufficiently supported by the record and is not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

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

**JOSEPH A. YURKOVICH
1431 GREENWAY DRIVE, SUITE 450
IRVING, TEXAS 75038.**

Terri Kay Oliver
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Gary L. Kilgore
Appeals Judge