

APPEAL NO. 013133
FILED JANUARY 25, 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 16, 2001. With respect to the issues before her, the hearing officer determined that the appellant (claimant) is not entitled to supplemental income benefits (SIBs) for the first, second, third, and fourth quarters and that the respondent (carrier) would not be relieved of liability for SIBs based on the claimant's failure to timely file his application for such benefits. In his appeal, the claimant contends that the hearing officer's SIBs determinations are against the great weight of the evidence. In its response, the carrier urges affirmance. The carrier did not appeal the hearing officer's determination that it would not be relieved of liability for SIBs had the claimant been found to be entitled to such benefits.

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 periods for the first and second quarters pursuant to Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102(d)(4) (Rule 130.102(d)(4)), 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(d)(4). 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, or the determinations that the claimant is not entitled to SIBs for the first and second quarters, 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 claimant attempted to establish that he was entitled to SIBs for the third and fourth quarters by arguing that he made a good faith job search in the qualifying periods corresponding to the those quarters. However, as the hearing officer found, the claimant did not document a job search in each week of the qualifying periods for the third and fourth quarters as is required under Rule 130.102(e). Thus, the hearing officer did not err in finding that the claimant was not entitled to third and fourth quarter SIBs.

The hearing officer's decision and order are affirmed.

The true corporate name of the carrier is **TEXAS MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**RUSSELL R. OLIVER, PRESIDENT
221 WEST 6TH STREET
AUSTIN, TEXAS 78701.**

Elaine M. Chaney
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Terri Kay Oliver
Appeals Judge