

APPEAL NO. 020143
FILED MARCH 6, 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 December 18, 2001. The hearing officer determined that the respondent (claimant) is entitled to supplemental income benefits (SIBs) for the fifth compensable quarter. On appeal, the appellant (carrier) contends that this determination is not supported by the evidence and is against the great weight and preponderance of the evidence. The claimant urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant's unemployment is a direct result of her compensable injury, and that her enrollment in a full-time vocational rehabilitation program sponsored by the Texas Rehabilitation Commission during the fifth quarter qualifying period satisfied the good faith requirement of Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102(d)(2) (Rule 130.102(d)(2)). As no extent-of-injury issue or impairment rating dispute was before her, the hearing officer could find that the claimant was not able to retain or obtain employment due to her incontinence, because it was included in the claimant's impairment rating as part of the compensable injury. The matters complained of by the carrier on appeal concern credibility and fact issues, which were for the hearing officer to resolve. Section 410.165(a) provides that the contested case hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as of the weight and credibility that is to be given the evidence. We have reviewed the complained-of determinations and we conclude that they are 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 decision and order of the hearing are affirmed.

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

**NICHOLAS PETERS
12801 NORTH CENTRAL EXPRESSWAY, SUITE 100
DALLAS, TEXAS 75243-1732.**

Chris Cowan
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Philip F. O'Neill
Appeals Judge