

APPEAL NO. 020192
FILED FEBRUARY 28, 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 20, 2001. The hearing officer resolved the disputed issue by deciding that the appellant (claimant) was not entitled to supplemental income benefits (SIBs) for the 16th compensable quarter, August 20, 2001, through November 18, 2001. The claimant appealed the hearing officer's determination on sufficiency grounds. The respondent (carrier) responded, requesting affirmance.

DECISION

The hearing officer's decision is reversed and rendered.

The hearing officer erred in determining that the claimant was not entitled to SIBs for the 16th compensable quarter. The claimant proceeded under the theory that she sought employment commensurate with her determined, restricted ability to work and registered and participated in a vocational rehabilitation program with the Texas Rehabilitation Commission (TRC). The parties stipulated that the claimant met the general eligibility requirements. See Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102 (Rule 130.102) (general eligibility requirements) and Rule 130.102(d) and (e) (specific "good faith effort" requirements).

Regarding the issue of good faith search for employment, Rule 130.102(d)(2) provides that an injured employee has made a good faith effort to obtain employment commensurate with her ability to work if the employee has been enrolled in, and satisfactorily participated in, a full-time vocational rehabilitation program sponsored by the TRC *during* the qualifying period. We have often held that the good faith aspect of the claimant's job search is met, per the rule, if at any time *during* the qualifying period for the quarter in dispute¹, the claimant is enrolled and successfully participating in a TRC-sponsored program. See Texas Workers' Compensation Commission, Appeal No. 010639, decided April 25, 2001, and Texas Workers' Compensation Commission Appeal No. 001536, decided August 9, 2000. Here, the hearing officer made a finding of fact that the claimant was "enrolled and satisfactorily participating in a full time vocational rehabilitation program sponsored by" the TRC, during the qualifying period. The hearing officer's finding was supported by documentary evidence from the TRC. Thus, having met the good faith requirement of the rule, as well as the other prerequisites, the claimant is entitled to SIBs benefits for the 16th quarter.

Therefore, the hearing officer is reversed, and we render the opinion that the claimant is entitled to SIBs for the 16th quarter.

¹The parties stipulated that the qualifying period for the 16th quarter was May 8 through August 6, 2001.

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

**CORPORATION SERVICE COMPANY
800 BRAZOS, SUITE 750, COMMODORE I
AUSTIN, TEXAS 78701.**

Terri Kay Oliver
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Michael B. McShane
Appeals Judge