

APPEAL NO. 020328
FILED MARCH 19, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). Following a contested case hearing held on January 11, 2002, the hearing officer resolved the disputed issues by determining that the appellant (claimant) is not entitled to supplemental income benefits (SIBs) for the 6th, 7th, and 8th quarters, and that the respondent (self-insured) is not relieved of liability for SIBs because it failed to comply with Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.105(a)(1) (Rule 130.105(a)(1)). The claimant has appealed the adverse SIBs determinations on evidentiary sufficiency grounds. The resolution of the issue regarding the self-insured's being relieved of liability based on the claimant's untimely filing of his Application for [SIBs] (TWCC-52) forms, not having been appealed, has become final. Section 410.169. The self-insured's response urges the sufficiency of the evidence to warrant our affirmance.

DECISION

Affirmed.

The requirements for eligibility for SIBs are set out in Section 408.142 of the 1989 Act and in Rule 130.102. Concerning the SIBs criteria at issue, the hearing officer found that during the qualifying periods for the 6th, 7th, and 8th quarters, the claimant had an ability to work a 40-hour workweek at light duty with restrictions; that during those weeks, he limited himself to a 10-to-15 hour workweek and made no job searches; that during the qualifying periods at issue, he did not make a good faith effort to obtain employment commensurate with his ability to work; and that his unemployment and/or underemployment was not a direct result of his impairment.

The claimant testified that during the quarters at issue he worked as a jail chaplain; that his hours were variable and depended on the appointments arranged for him by a secretary; that he never worked more than 15 hours per week, based on the release of his current treating doctor to work 10 to 15 hours per week; and that he did not attempt to find other employment during these qualifying periods.

The hearing officer was cognizant of all the medical evidence, including that of the claimant's most recent treating doctor, and obviously felt that the claimant self-limited his work activities and had the capacity for more work than he did. We are satisfied that the evidence, which is detailed in the hearing officer's Decision and Order, is sufficient to support these challenged factual findings, as well as the dispositive legal conclusions, and that they are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951); Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **(a certified self-insured)** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 N. ST. PAUL STREET
DALLAS, TEXAS 75201.**

Philip F. O'Neill
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Terri Kay Oliver
Appeals Judge