

APPEAL NO. 020429
FILED MARCH 19, 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 January 22, 2002. The hearing officer determined that the appellant (claimant) was not entitled to supplemental income benefits (SIBs) for the 15th compensable quarter because he did not make a good faith attempt to look for employment commensurate with his ability during the qualifying period. The claimant contends that the hearing officer's determinations are against the great weight and preponderance of the evidence. The respondent (carrier) responds urging affirmance.

DECISION

We affirm the hearing officer's decision and order.

At issue in this case is whether the hearing officer erred in determining that the claimant is not entitled to SIBs for the 15th compensable quarter because he did not make a good faith effort to obtain employment commensurate with his ability to work during the corresponding qualifying period. The matters complained of by the claimant involve 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 determination and conclude that it 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 decision and order of the hearing are affirmed.

The true corporate name of the insurance carrier is **INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS, SUITE 750, COMMODORE 1
AUSTIN, TEXAS 78701.**

Susan M. Kelley
Appeals Judge

CONCUR:

Terri Kay Oliver
Appeals Judge

Robert W. Potts
Appeals Judge