

APPEAL NO. 020579
FILED APRIL 5, 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 (CCH) was held on February 19, 2002. The hearing officer determined that the respondent (claimant) is entitled to supplemental income benefits (SIBs) for the fifth quarter. The appellant (carrier) appeals the determination on sufficiency grounds. The claimant responds, urging affirmance.

DECISION

We affirm.

The hearing officer did not err in determining that the claimant is entitled to fifth quarter SIBs. The claimant asserted at the CCH that even though she had very little ability to work during the qualifying period for the fifth quarter, she made a good faith effort to find employment commensurate with her ability to work. The claimant presented evidence that she made over 100 job contacts during the qualifying period. Whether the claimant had an ability to work and made a good faith effort to seek employment commensurate with that ability were questions of fact for the hearing officer to resolve, as was the question of whether the claimant's unemployment was a direct result of her impairment. The claimant presented evidence that she was only capable of sedentary work and that her restrictions included no standing, grasping, twisting wrists, bending, stooping, or squatting and only limited walking. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence, including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). In view of the evidence presented, we cannot conclude that the hearing officer's determination is 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 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **EMPLOYERS INSURANCE OF WAUSAU** and the name and address of its registered agent for service of process is

**RICK KNIGHT
105 DECKER COURT, SUITE 600
IRVING, TEXAS 75062.**

Gary L. Kilgore
Appeals Judge

CONCUR:

Michael B. McShane
Appeals Judge

Philip F. O'Neill
Appeals Judge