

APPEAL NO. 020974
FILED JUNE 10, 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 March 28, 2002. The hearing officer determined that the appellant (claimant) was not entitled to supplemental income benefits (SIBs) for the seventh quarter. The claimant appealed, challenging the determination on the grounds that the strict application of the SIBs rule is contrary to the statute and intent of the rule itself. The respondent (self-insured) responded, urging affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant was not entitled to SIBs for the seventh quarter. The claimant has raised some good arguments about consideration of good faith in the context of a worker who is hired during a qualifying period but begins work in the next qualifying period. However, the Texas Workers' Compensation Commission (Commission) has adopted a strict interpretation of Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102 (Rule 130.102) and in order to be absolved of the weekly work search requirement, the return to work must be during the qualifying period, not afterwards.

The hearing officer is the sole judge of the weight and credibility to be given the evidence. Section 410.165(a). He determined that no narrative meeting to the requirements of Rule 130.102(d)(4) was produced for the period of the qualifying period that the claimant contended a complete inability to work. Upon our review of the record, we conclude that the hearing officer's determination that the claimant was not eligible for SIBs for the seventh quarter is supported by the evidence, that it follows the Commission's interpretation of Rule 130.102(d) and (e), and 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); Texas Workers' Compensation Commission Appeal No. 001360, decided July 27, 2000.

The hearing officer's decision and order are affirmed.

The true corporate name of the self-insured is **(SELF-INSURED)** and the name and address of its registered agent for service of process is

**AR
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Susan M. Kelley
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Gary L. Kilgore
Appeals Judge