

APPEAL NO. 020987  
FILED JUNE 3, 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 19, 2002. The hearing officer determined that (1) the appellant (claimant) is not entitled to supplemental income benefits (SIBs) for the 11th and 12th quarters; (2) the respondent (carrier) is relieved of liability for payment of SIBs for the 11th quarter for the period from August 9, 2001, through September 23, 2001, were it liable for payment of SIBs because the claimant failed to file her Application for [SIBs] (TWCC-52) until September 24, 2001; and (3) the carrier is relieved of liability for payment of SIBs for the 12th quarter for the period from November 8, 2001, through December 10, 2001, were it liable for payment of SIBs because the claimant failed to file her TWCC-52 application until December 11, 2001. The claimant appeals the determination that she is not entitled to SIBs for the 11th and 12th quarters. The carrier urges affirmance. The hearing officer's determinations (2) and (3), above, were not appealed and are, therefore, final. Section 410.169.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant is not entitled to 11th and 12th quarter SIBs. At issue is whether the claimant had no ability to work during the qualifying periods for the 11th and 12th quarters. The hearing officer determined that the claimant failed to meet her burden of proof on this issue because she did not provide a narrative report from a doctor, as defined in Section 401.011(17), which specifically explains how the compensable injury caused a total inability to work. The claimant argues on appeal that she met her burden and established that she had no ability to work, vis-a-vis the reports and testimony of her clinical psychologist. We have observed, however, that a narrative should be from a "doctor," which is defined in Section 401.011(17) with reference to certain enumerated licenses which do not include psychology. See Texas Workers' Compensation Commission Appeal No. 002160, decided October 23, 2000. We would also note that without a sufficient narrative, a finding that there is no ability to work is untenable. See Texas Workers' Compensation Commission Appeal No. 010896, decided June 4, 2001. In view of our prior decisions and the evidence presented, we cannot conclude that the appealed determinations are so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The claimant attached new evidence to her appeal, which would purportedly show that her clinical psychologist is a "doctor" as that term is commonly used. While we do not disagree with that assertion, the evidence offered does not bring the claimant's psychologist within the definition provided in the 1989 Act. The evidence, therefore, does not warrant reversal of the hearing officer's decision.

The decision and order of the hearing officer 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.**

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Susan M. Kelley  
Appeals Judge

CONCUR:

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Robert W. Potts  
Appeals Judge

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Roy L. Warren  
Appeals Judge