

APPEAL NO. 021340  
FILED JUNE 27, 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 May 8, 2002. The hearing officer decided that the appellant (claimant) is not entitled to Supplemental Income Benefits (SIBs) for the 14th, 15th, 16th, and 17th quarters. The claimant appealed on sufficiency grounds and the respondent (carrier) responded, urging affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant is not entitled to SIBs for the 17th quarter because the claimant did not document job searches for every week of the qualifying period. Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102(e) (Rule 130.102(e)) provides in pertinent part that, except as provided in subsection (d)(1), (2), (3), and (4) of Rule 130.102, an injured employee who has not returned to work and is able to return to work in any capacity shall look for employment commensurate with his or her ability to work every week of the qualifying period and document his or her job search efforts. See *also* Texas Workers' Compensation Commission Appeal No. 000321, decided March 29, 2000; and Texas Workers' Compensation Commission Appeal No. 000776, decided May 30, 2000. In the instant case, the claimant failed to document a job search each and every week of the relevant qualifying period. The only documentation of the claimant's job search efforts is contained on his Application for [SIBs] (TWCC-52).

The hearing officer did not err in determining that the claimant is not entitled to SIBs for the 14th through 16th quarters of SIBs because the claimant had an ability to work. The claimant did not document any job searches during the relevant qualifying periods. Rule 130.102(d)(4) provides that an injured employee has made a good faith effort to obtain employment commensurate with the employee's ability to work if the employee has been unable to perform any type of work in any capacity, has provided a narrative report from a doctor which specifically explains how the injury causes a total inability to work, and no other records show that the injured employee is able to return to work. The hearing officer determined that the claimant did not provide a narrative from a doctor specifically explaining how the injury caused a total inability to work. In addition, the hearing officer noted that the carrier had provided evidence that indicated the claimant had some ability to work during the relevant qualifying periods. Whether or not the claimant supplied a narrative was a question of fact for the hearing officer. The hearing officer's determination that the claimant did not provide a narrative pursuant to Rule 130.102(d)(4), and is therefore not entitled to SIBs for the 14th through 16th quarters is supported by sufficient evidence and it is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709

S.W.2d 175, 176 (Tex. 1986); Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **LIBERTY MUTUAL FIRE INSURANCE** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEMS  
350 NORTH ST. PAUL, SUITE 2900  
DALLAS, TEXAS 75201.**

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Daniel R. Barry  
Appeals Judge

CONCUR:

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Michael B. McShane  
Appeals Judge

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Philip F. O'Neill  
Appeals Judge