

APPEAL NO. 021435
FILED JULY 1, 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 7, 2002. The hearing officer decided that the appellant (claimant) is not entitled to supplemental income benefits (SIBs) for the 12th quarter. The claimant appealed, asserting that he should not be punished for not knowing the technical definition of a week for purposes of making a good faith job search. 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 12th quarter. It is undisputed that the qualifying period for the 12th quarter ran from November 7, 2001, through February 5, 2002. Sections 408.142(a) and 408.143 and Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102 (Rule 130.102) provide the statutory and regulatory requirements for entitlement to SIBs. 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 any job search during the eighth week of the relevant qualifying period and the rule contains no exceptions. As such, the claimant has failed to satisfy the weekly documented job search requirement contained in Rule 130.102(e), and is therefore not entitled to SIBs for the 12th quarter.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **AMERICAN MOTORISTS INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS
AUSTIN, TEXAS 78701.**

Daniel R. Barry
Appeals Judge

CONCUR:

Robert E. Lang
Appeals Panel
Manager/Judge

Robert W. Potts
Appeals Judge