

APPEAL NO. 021541
FILED JULY 30,2002

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 16, 2002. The hearing officer determined that the respondent (claimant) was entitled to supplemental income benefits (SIBs) for the third quarter.

The appellant (carrier) appeals, challenging the good faith aspects of the claimant's documented job search efforts. The claimant responds, urging affirmance.

DECISION

Affirmed.

Section 408.143(a) and Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102 (Rule 130.102) set out the statutory and administrative rule requirements for SIBs. The carrier challenges both the "direct result" requirement of Section 408.143(a)(1) and Rule 130.102(b)(1) and the "good faith" requirement of Section 408.143(a)(3) and Rule 130.102(b)(2).

The claimant listed some 37 job contacts and documented at least one contact each week during the applicable qualifying period. The claimant asserted that his efforts complied with Rules 130.102(d)(5) and (e). The carrier challenges the hearing officer's decision asserting that the documented job contacts were not made in good faith and were made only to meet the "requirements necessary to qualify for [SIBs]."

Whether the particular job contacts were made in good faith and met the general criteria set out in Rule 130.102(e)(1) through (11) are factual determinations within the province of the hearing officer to resolve. He has done so and his decision is supported by sufficient evidence.

After review of the record before us and the complained-of determinations, we have concluded that there is sufficient legal and factual support for the hearing officer's decision. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

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

**C T CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 78201.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Daniel R. Barry
Appeals Judge

Elaine M. Chaney
Appeals Judge