

APPEAL NO. 021544
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 claimant was entitled to supplemental income benefits (SIBs) for the 16th quarter.

The carrier appealed, contending that the hearing officer's determinations were erroneous, not supported by the evidence, and "manifestly unjust and wrong." The appeal file does not contain a response from the claimant.

DECISION

Affirmed.

Section 408.142(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. At issue in this case is whether the claimant met the good faith job search requirement of Section 408.142(a)(4) through a total inability to work as set out in Rule 130.102(d)(4). The parties stipulated that the qualifying period at issue was from January 5 through April 5, 2002.

The hearing officer considered the reports of the claimant's treating doctor and commented that the doctor had provided written documentation why the claimant is unable to work. In addition, in evidence is the report of a designated doctor appointed under the provision of Section 408.151 to determine whether the claimant's medical condition had improved sufficiently to allow the claimant to return to work. The designated doctor's conclusions are quoted in the hearing officer's decision and state the claimant is unable to return to work giving reasons therefore. Pursuant to Section 408.151(b) the report of the designated doctor has presumptive weight "unless the great weight of the other medical evidence is to the contrary." There is no other medical evidence to the contrary and the carrier's reliance on the claimant's testimony of what she can and cannot do and inferences from the medical reports are insufficient to overcome the presumptive weight of the designated doctor's report.

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 **INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA** and the name and address of its registered agent for service of process is

**THE CORPORATION SERVICE COMPANY
800 BRAZOS, SUITE 750, COMMODORE 1
AUSTIN, TEXAS 78701.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Robert W. Potts
Appeals Judge

Roy L. Warren
Appeals Judge