

APPEAL NO. 021827  
FILED SEPTEMBER 4, 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 June 24, 2002. The hearing officer resolved the disputed issue by determining that the appellant (claimant) is not entitled to sixth quarter supplemental income benefits (SIBs). The claimant appeals several of the hearing officer's factual determinations and the conclusion that he is not entitled to sixth quarter SIBs. The respondent (carrier) did not submit a response to the claimant's appeal.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant was not entitled to SIBs for the sixth quarter. At the hearing, it was undisputed that the claimant had not returned to work during the qualifying period (November 22, 2001, through February 20, 2002), and was not enrolled in, or participating in, a full-time vocational rehabilitation program. The claimant was basing his entitlement to SIBs for the sixth quarter on the assertion that he had made a good faith effort to find employment commensurate with his ability to work. Whether the claimant attempted in good faith to obtain employment commensurate with his ability to work pursuant to Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102(d) (Rule 130.102(d)) is a question of fact for the hearing officer. Upon review of the record, we conclude that the hearing officer's determination that the claimant is not entitled to SIBs for the sixth quarter is supported by the evidence, and that it is not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the decision and order of the hearing officer.

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

**C T CORPORATION SYSTEMS  
350 NORTH ST. PAUL STREET, SUITE 2900  
DALLAS, TEXAS 75201.**

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Michael B. McShane  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Elaine M. Chaney  
Appeals Judge