

APPEAL NO. 022034  
FILED SEPTEMBER 26, 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 July 16, 2002. The hearing officer determined that the appellant (claimant) was not entitled to supplemental income benefits (SIBs) for the seventh quarter from May 8 through August 6, 2002. The claimant appealed on sufficiency of the evidence grounds. The file does not contain a response from the respondent (carrier).

DECISION

Affirmed.

Eligibility criteria for SIBs entitlement are set forth in Section 408.142(a) and Tex W.C. Comm'n 28 TEX. ADMIN. CODE § Rule 130.102 (Rule 130.102). The claimant contended that he had no ability to work during the qualifying period in dispute. 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. Rule 130.102(e) provides in part that, except as provided in subsections (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. The evidence sufficiently supports the hearing officer's determinations that the claimant had some ability to work during the qualifying period for the seventh quarter of SIBs, and that the claimant did not make a good faith effort to obtain employment during the qualifying period for the seventh quarter of SIBs commensurate with his ability to work.

We have reviewed the complained-of determination regarding SIBs and good faith, and we conclude that the issue involved a fact question for the hearing officer to resolve. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determination 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 hearing officer's decision and order.

The true corporate name of the insurance carrier is **EMPLOYER'S MUTUAL CASUALTY COMPANY** and the name and address of its registered agent for service of process is

**HOWARD ORLA DUGGER  
1702 NORTH COLLINS BLVD., SUITE 200  
RICHARDSON, TEXAS 75080.**

---

Veronica Lopez  
Appeals Judge

CONCUR:

---

Judy L. S. Barnes  
Appeals Judge

---

Elaine M. Chaney  
Appeals Judge