

APPEAL NO. 022188
FILED OCTOBER 3, 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 25, 2002. With respect to the issue before him, the hearing officer determined that the appellant (claimant) is not entitled to supplemental income benefits (SIBs) for the 20th quarter. In his appeal, the claimant argues that the hearing officer's determination that he did not make a good faith job search in the qualifying period for the 20th quarter is against the great weight of the evidence. In its response to the claimant's appeal, the carrier urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant did not satisfy the good faith requirement in the qualifying period for the 20th quarter of SIBs by either demonstrating that he had returned to work in a position relatively equal to his ability to work or by demonstrating that he made a good faith job search in the qualifying period. The hearing officer was not persuaded that the stunt coordinator job that the claimant worked during a month of the qualifying period was a position relatively equal to his ability to work such that it satisfied the requirements of Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102(d)(1) (Rule 130.102(d)(1)). The hearing officer was similarly not persuaded that the claimant's efforts of contacting various people in the film industry to inquire about possible stunt coordinator positions rose to the level of a good faith effort to look for work within the meaning of Rule 130.102(e). Nothing in our review of the record reveals that the hearing officer's determination that the claimant did not meet the good faith requirement under either Rule 130.102(d)(1) or 130.102(e) is so against the great weight as to be clearly wrong or manifestly unjust. As such, no sound basis exists for us to disturb that determination, or the determination that the claimant is not entitled to SIBs for the 20th quarter, on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

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

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

Elaine M. Chaney
Appeals Judge

CONCUR:

Michael B. McShane
Appeals Judge

Margaret L. Turner
Appeals Judge