

APPEAL NO. 022326  
FILED OCTOBER 25, 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 August 6, 2002. With respect to the issues before her, the hearing officer determined that the appellant (claimant) is not entitled to supplemental income benefits (SIBs) for the 17<sup>th</sup>, 18<sup>th</sup>, and 19<sup>th</sup> quarters. In his appeal, the claimant argues that the hearing officer's determination that he did not satisfy the good faith requirement in the relevant qualifying periods is against the great weight of the evidence. In its response to the claimant's appeal, the respondent (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 periods for the 17<sup>th</sup>, 18<sup>th</sup>, and 19<sup>th</sup> quarters of SIBs by demonstrating that he had no ability to work for the 17<sup>th</sup> quarter qualifying period and a portion of the 18<sup>th</sup> quarter qualifying period, and by demonstrating that he made a good faith effort to look for work in the balance of the qualifying period for the 18<sup>th</sup> quarter and in the qualifying period for the 19<sup>th</sup> quarter. The hearing officer was not persuaded that the evidence presented by the claimant was sufficient to satisfy the requirements of Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102(d)(4) (Rule 130.102(d)(4)); thus, she further determined that the claimant did not prove that he had no ability to work for the period of time that he attempted to demonstrate his entitlement to SIBs under that theory. The hearing officer likewise was not persuaded that in the balance of the qualifying period for the 18<sup>th</sup> quarter and in the 19<sup>th</sup> quarter qualifying period the claimant made a good faith effort to look for work in accordance with Rule 130.102(e). Nothing in our review of the record reveals that the challenged good faith determinations are so against the great weight as to be clearly wrong or manifestly unjust. As such, no sound basis exists for us to disturb those determinations, or the determinations that the claimant is not entitled to SIBs for the 17<sup>th</sup>, 18<sup>th</sup>, and 19<sup>th</sup> quarters, 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 **ROYAL INDEMNITY COMPANY** and the name and address of its registered agent for service of process is

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

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Elaine M. Chaney  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Susan M. Kelley  
Appeals Judge