

APPEAL NO. 022788  
FILED DECEMBER 11, 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 September 30, 2002. The hearing officer determined that the appellant (claimant) is not entitled to supplemental income benefits (SIBs) for the first compensable quarter. The claimant contends that this determination is against the great weight of the evidence. The respondent (carrier) urges affirmance of the hearing officer's decision.

DECISION

Affirmed.

Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102 (Rule 130.102) provides that an injured employee who has an impairment rating of 15% or greater and who has not commuted any impairment income benefits is entitled to SIBs if, during the qualifying period, the claimant has earned less than 80% of the employee's preinjury wage as a direct result of the impairment from the compensable injury and has made a good faith effort to obtain employment commensurate with the employee's ability to work. Rule 130.102(d)(4) states that the "good faith" criterion will be met 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[.]

We have emphasized that a finding of no ability to work is a factual determination for the hearing officer. Texas Workers' Compensation Commission Appeal No. 951204, decided September 6, 1995. The hearing officer noted that the claimant did not provide a narrative report from a doctor that specifically explained how the injury caused a total inability to work during the filing period for the first compensable quarter and concluded that the claimant is not entitled to SIBs. Nothing in our review of the record indicates that the hearing officer's SIBs determination is so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order is affirmed.

The true corporate name of the insurance carrier is **FIDELITY & GUARANTY INSURANCE** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE  
800 BRAZOS, SUITE 330  
ONE COMMODORE PLAZA  
AUSTIN, TEXAS 78701.**

---

Chris Cowan  
Appeals Judge

CONCUR:

---

Thomas A. Knapp  
Appeals Judge

---

Robert W. Potts  
Appeals Judge