

APPEAL NO. 022840
FILED DECEMBER 23, 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 October 28, 2002. The hearing officer determined that the respondent (claimant) is entitled to supplemental income benefits (SIBs) for the first quarter. The appellant (carrier) appealed and the file does not contain a response from the claimant.

DECISION

Affirmed.

The hearing officer determined that the claimant is entitled to SIBs for the first quarter because he was enrolled in, and satisfactorily participated in, a full-time vocational rehabilitation program sponsored by the Texas Rehabilitation Commission (TRC) during the relevant qualifying period. The claimant testified that he has been taking English classes in order to help him obtain a job in which he would not have to do any heavy lifting. Also in evidence was the Individualized Plan for Employment which the claimant entered into with the TRC, and letters indicating that the claimant has done all that has been asked of him.

Whether or not the claimant met his burden of proof regarding entitlement to SIBs presented a question of fact for the hearing officer to resolve. Nothing in our review of the record indicates that the complained-of determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to reverse that determination on appeal. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986).

The hearing officer's decision and order are affirmed.

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

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

Gary L. Kilgore
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Veronica Lopez
Appeals Judge