

APPEAL NO. 030850
FILED MAY 29, 2003

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 March 31, 2003. With respect to the issue before him, the hearing officer determined that the respondent (claimant) attempted in good faith to obtain employment commensurate with his ability to work during the qualifying period for the first quarter, and that he is entitled to supplemental income benefits (SIBs) for the first quarter. The appellant (carrier) appealed, asserting that the hearing officer erred in his determinations regarding good faith and SIBs entitlement. The file does not contain a response from the claimant.

DECISION

Affirmed.

In challenging the hearing officer's good faith determination, the carrier argues that the hearing officer erred in determining that the claimant satisfied the requirements of Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102(e) (Rule 130.102(e)) that he "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." Specifically, the carrier argues that in three of the 13 weeks of the qualifying period the claimant did not document any job search activity and that, as a result, the hearing officer erred in determining that the claimant is entitled to SIBs for the first quarter. The hearing officer determined that the claimant satisfied the job search requirement and the documentation requirement in those weeks by going to the Texas Workforce Commission (TWC) and searching the employment opportunities on their database. He further determined that the claimant satisfied the documentation requirement by introducing summary sheets showing the dates the claimant went to the TWC. In its appeal, the carrier argues that "looking" for work means putting in applications at places of employment which are hiring." We have previously rejected this argument, noting that job search activities are not necessarily limited to completion of applications but can encompass other activities such as looking in the newspaper or computer employment databases, meeting with an employment counselor, or assessing postinjury employment skills. Texas Workers' Compensation Commission Appeal No. 001786, decided September 13, 2000; Texas Workers' Compensation Commission Appeal No. 990950, decided June 11, 1999. In addition, we find no merit in the assertion that the claimant failed to document those searches by failing to include them in his Application for [SIBs] (TWCC-52). To the contrary, we have previously determined that documentation is not limited to information contained on the TWCC-52. Texas Workers' Compensation Commission Appeal No. 001177, decided July 12, 2000; Texas Workers' Compensation Commission Appeal No. 992634, decided January 12, 2000. Under the reasoning of the above-cited cases, the hearing officer did not err in considering the records summary showing the dates the claimant went to the TWC in determining that the

claimant satisfied the requirement to document his weekly job search efforts or in determining that the claimant's efforts of searching for employment opportunities on the TWC database constituted a job search activity. As such he also did not err in determining that the claimant had satisfied the requirements of Rule 130.102(e) and was entitled to SIBs for the first quarter.

The hearing officer's decision and order are affirmed.

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

**JAVIER GONZALEZ
3421 WEST WILLIAM CANNON DRIVE
SUITE 131, PMB #113
AUSTIN, TEXAS 78745.**

Elaine M. Chaney
Appeals Judge

CONCUR:

Veronica Lopez-Ruberto
Appeals Judge

Robert W. Potts
Appeals Judge