

APPEAL NO. 030958  
FILED JUNE 6, 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 28, 2003. The hearing officer determined that the respondent (claimant) was entitled to supplemental income benefits (SIBs) for the 16th, 17th, 18th, and 19th quarters. The appellant (carrier) appealed this determination, asserting legal and evidentiary points of error. The claimant urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant is entitled to 16th, 17th, 18th, and 19th quarter SIBs. Section 408.142 and Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102 (Rule 130.102) establish the requirements for entitlement to SIBs. At issue was whether the claimant had a total inability to work during the qualifying periods and whether his underemployment was a direct result of the impairment from the compensable injury. It was for the hearing officer, as the trier of fact, to resolve the conflicts and inconsistencies in the evidence and to determine what facts had been established. Garza v. Commercial Ins. Co., 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). In view of the applicable law and the evidence presented, we cannot conclude that the hearing officer's determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The carrier appears to assert that the hearing officer erred, as a matter of law, in giving presumptive weight to the designated doctor's report regarding inability to work, because the designated doctor was not properly appointed pursuant to Rule 130.110(f). Nothing in our review indicates that the hearing officer accorded the designated doctor's report presumptive weight with regard to any of the quarters at issue. Accordingly, we perceive no legal error. To be clear, we are affirming that the designated doctor's report, although not entitled to presumptive weight, is a narrative that 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. Rule 130.102(d)(4).

The decision and order of the hearing officer are affirmed.

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

**CT CORPORATION SYSTEM  
350 NORTH ST. PAUL  
DALLAS, TEXAS 75201.**

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Edward Vilano  
Appeals Judge

CONCUR:

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Thomas A. Knapp  
Appeals Judge

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Robert W. Potts  
Appeals Judge