

APPEAL NO. 031426  
FILED JULY 21, 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 May 12, 2003. The hearing officer resolved the disputed issue by deciding that the respondent (claimant) is entitled to supplemental income benefits (SIBs) for the second quarter, October 24, 2002, through January 22, 2003. The appellant (carrier) appealed, arguing that the determination of entitlement to SIBs is not supported by sufficient evidence. The appeal file does not contain a response from the claimant.

DECISION

Affirmed.

The requirements for entitlement to SIBs are set out in Section 408.142 and in Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102 (Rule 130.102). The parties stipulated that the claimant sustained a compensable injury on \_\_\_\_\_; that the claimant reached maximum medical improvement on February 14, 2001, with a 25% impairment rating; and that the qualifying period for the second quarter of SIBs was from July 12 through October 10, 2002. With regard to the required "good faith effort," the hearing officer was satisfied that the claimant proved, pursuant to Rule 130.102(d)(5) and Rule 130.102(e), that he looked for work commensurate with his ability to work during every week of the qualifying periods at issue and that he documented these job search efforts. The carrier contends that the claimant was only going through the motions of seeking employment in order to qualify for SIBs and made contacts for many jobs that he could not perform physically or because he had no prior experience. However, the hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence (Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ)). We are satisfied that this determination is not 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, 176 (Tex. 1986); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **LUMBERMENS UNDERWRITING ALLIANCE** and the name and address of its registered agent for service of process is

**DEBRA S. MATHEWS-BUDET  
12200 FORD ROAD, SUITE 344  
DALLAS, TEXAS 75234.**

---

Margaret L. Turner  
Appeals Judge

CONCUR:

---

Thomas A. Knapp  
Appeals Judge

---

Robert W. Potts  
Appeals Judge