

APPEAL NO. 031795
FILED AUGUST 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 29, 2003. The hearing officer determined that appellant (claimant) is not entitled to supplemental income benefits (SIBs) for the 15th quarter. Claimant appealed the good faith and SIBs entitlement determinations on sufficiency grounds. Respondent (carrier) responded that the Appeals Panel should affirm the hearing officer's decision and order.

DECISION

We affirm.

Claimant contends the hearing officer erred in determining that his GED class was not a full-time program sponsored by the Texas Rehabilitation Commission (TRC). Claimant contends he made a good faith effort to find employment commensurate with his ability to work by satisfactorily participating in a TRC-sponsored program. Claimant testified that he talked to Mr. S at the TRC, that he was told that his next step is to obtain a GED, and that he was told to check into a GED program. Claimant said he was told that there was a program in another city, but he knew of a program closer to home and he attended GED study classes during the qualifying period. Claimant said he did not know who paid for the classes.

The hearing officer could find that claimant failed to establish that he was enrolled in, and satisfactorily participating in, a full-time vocational rehabilitation program sponsored by the TRC during the qualifying period. There was a document from the TRC that stated that claimant completed an application for TRC services and that he may be receiving services. It said, "We will be looking at retraining issues with [claimant], but as to [sic] look at the prospects of retraining I have suggested that he start working on his GED as soon as possible. Vocational exploration to be completed." There was no evidence regarding a vocational rehabilitation plan from the TRC. There was no evidence regarding claimant's employment goal, a description of services to be provided or arranged, or the start and end dates of any of the described services. See Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE 130.101(8) (Rule 130.101(8)). We perceive no error in the determination that claimant's GED class was not a full-time program sponsored by the TRC.

Claimant contends the hearing officer erred in finding that claimant attended classes only three times during the qualifying period. Claimant testified that he attended classes three times per week during the qualifying period. We conclude that any possible error in this regard is not reversible error.

We have reviewed the complained-of determinations and conclude that the issues involved fact questions for the hearing officer. The hearing officer reviewed the

record and decided what facts were established. We conclude that the hearing officer's determinations are supported by the record and are 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).

We affirm the hearing officer's decision and order.

According to information provided by carrier, the true corporate name of the insurance carrier is **TEXAS PROPERTY & CASUALTY INSURANCE GUARANTY ASSOCIATION for Petrosurance Casualty Company, an impaired carrier** and the name and address of its registered agent for service of process is

**MARVIN KELLY, EXECUTIVE DIRECTOR
9120 BURNET ROAD
AUSTIN, TEXAS 78759.**

Judy L. S. Barnes
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Robert W. Potts
Appeals Judge