

APPEAL NO. 031875
FILED SEPTEMBER 3, 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 June 16, 2003. The hearing officer resolved the disputed issue by deciding that the respondent (claimant) is entitled to supplemental income benefits (SIBs) for the 12th quarter, April 3 through July 2, 2003. The appellant (carrier) appealed on sufficiency of the evidence grounds. The appeal file does not contain a response from the claimant.

DECISION

Affirmed.

Section 408.142(a) and Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102 (Rule 130.102) set out the statutory and administrative rule requirements for SIBs. The parties stipulated that the claimant sustained a compensable injury on _____, with an impairment rating of 15% or greater; that he has not commuted any portion of his impairment income benefits; that the qualifying period for the 12th quarter of SIBs was from December 20, 2002, through March 20, 2003; and that the claimant had no earnings or was underemployed during the qualifying period for the 12th quarter.

The hearing officer did not err in determining that the claimant satisfied the good faith requirement in the qualifying period for the 12th quarter of SIBs by demonstrating that he made a good faith job search in the qualifying period. The hearing officer was persuaded that the claimant was not trying to avoid returning to the workforce and that his job search satisfied the requirements of Rule 130.102(e). The claimant's Application for [SIBs] (TWCC-52) for the 12th quarter listed at least one job contact each and every week during the qualifying period in question. Nothing in our review of the record reveals that the hearing officer's determination that the claimant has met the good faith requirement under Rule 130.102(e) is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. As such, no sound basis exists for us to disturb that determination, or the determination that the claimant is not entitled to SIBs for the 12th quarter, on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the decision and order of the hearing officer.

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

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

Margaret L. Turner
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Edward Vilano
Appeals Judge