

APPEAL NO. 033129  
FILED JANUARY 12, 2004

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 November 13, 2003. The hearing officer resolved the disputed issues by deciding that the appellant (claimant) is not entitled to supplemental income benefits (SIBs) for the fourth quarter, August 8 through November 6, 2003, or the fifth quarter, November 7, 2003, through February 5, 2004. The claimant appealed, disputing the determinations of nonentitlement. The claimant contends in her appeal that the hearing officer did not consider all of the evidence in reaching her determination. The respondent (carrier) responded, urging affirmance.

DECISION

Affirmed.

Eligibility criteria for SIBs entitlement are set forth in Section 408.142(a) and Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102 (Rule 130.102). The SIBs criterion in issue is whether the claimant made a good faith effort to obtain employment commensurate with her ability to work during the qualifying periods for the fourth and fifth quarters. The claimant contends that she had no ability to work during the qualifying periods in dispute but testified that she looked for work during the qualifying periods because the Texas Workers' Compensation Commission ordered her to do so. Rule 130.102(d)(4) provides that an injured employee has made a good faith effort to obtain employment commensurate with the employee's ability to work if the employee has been unable to perform any type of work in any capacity, has provided a narrative report from a doctor which 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(e) provides in part that, except as provided in subsection (d)(1), (2), (3), and (4) of Rule 130.102, an injured employee who has not returned to work and is able to return to work in any capacity shall 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. Rule 130.102(e) lists a number of factors which may be considered in determining whether a good faith effort was made including the number and types of jobs sought, the existence of applications or resumes to document the job search efforts, any job search plan, and the amount of time spent in attempting to find employment.

The hearing officer considered the evidence and found that the claimant had an ability to work during the relevant qualifying periods; that she did not attempt, in good faith, to obtain employment commensurate with her ability to work during the relevant qualifying periods; that the claimant did not cooperate with the vocational counselor assigned to assist her; that the claimant did not have a well-structured job search plan;

and that the claimant's efforts to find employment were aimed at qualifying for SIBs and were not focused on obtaining employment.

The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. We conclude that the hearing officer's decision is supported by sufficient evidence and that it is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The claimant contends that the hearing officer failed to consider all of the evidence favorable to the claimant in reaching her determination. A hearing officer is not required to provide a detailed recitation of the facts since the 1989 Act only requires findings of fact, conclusions of law, whether benefits are due, and an award of benefits due. Texas Workers' Compensation Commission Appeal No. 93791, decided October 18, 1993. A statement of evidence, if made, only needs to reasonably reflect the record. We perceive no error in omitting an extended discussion of the evidence. The hearing officer clearly states that she considered all the evidence, and based her findings of fact on all the evidence presented.

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
800 BRAZOS, SUITE 750, COMMODORE 1  
AUSTIN, TEXAS 78701.**

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Margaret L. Turner  
Appeals Judge

CONCUR:

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Thomas A. Knapp  
Appeals Judge

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Robert W. Potts  
Appeals Judge