

APPEAL NO. 033340
FILED FEBRUARY 13, 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 24, 2003. The hearing officer determined that appellant (claimant) was not entitled to supplemental income benefits (SIBs) for the fourth and fifth quarters. Claimant appeals, contending that the hearing officer's determinations that claimant is not entitled to SIBs for the fourth and fifth quarters are against the great weight of the evidence. The appeal file does not contain a response from respondent (carrier).

DECISION

We affirm.

Whether claimant satisfied the good faith requirement for SIBs eligibility presented a question of fact for the hearing officer to resolve. Texas Workers' Compensation Commission Appeal No. 94150, decided March 22, 1994; Texas Workers' Compensation Commission Appeal No. 94533, decided June 14, 1994. Section 410.165(a) provides that the hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as of the weight and credibility that is to be given to the evidence. The evidence sufficiently supports the hearing officer's findings that claimant failed to make a good faith job search during the qualifying periods in question. 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.

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

**CT CORPORATION SYSTEMS
350 NORTH ST. PAUL, SUITE 2900
DALLAS, TEXAS 75201.**

Judy L. S. Barnes
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Edward Vilano
Appeals Judge