

APPEAL NO. 040229  
FILED MARCH 11, 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 December 30, 2003. With respect to the issues before him, the hearing officer determined that the appellant (claimant) is not entitled to supplemental income benefits (SIBs) for the 15th and 16th quarters. In his appeal, the claimant asserts error in that determination. In its response to the claimant's appeal, the respondent (carrier) urges affirmance.

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable injury on \_\_\_\_\_; that he reached maximum medical improvement on November 22, 1998, with an impairment rating of 18%; that he did not commute his impairment income benefits; that the 15th quarter ran from May 23 to August 21, 2003, with a corresponding qualifying period of February 8 to May 9, 2003; and that the 16th quarter of SIBs ran from August 22 to November 21, 2003, with a corresponding qualifying period of May 10 to August 8, 2003. 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. At issue in this case is whether the claimant met the good faith job search requirement of Section 408.142(a)(4) by showing that he had a total inability to work during the qualifying periods for the 15th and 16th quarters. 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 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.

The hearing officer did not err in determining that the claimant did not satisfy the good faith requirement of Rule 130.102(d)(4) by demonstrating that he had no ability to work in the relevant qualifying periods. The hearing officer was not persuaded that the evidence was sufficient to satisfy the requirements of Rule 130.102(d)(4). Specifically, the hearing officer determined that there was not a narrative that specifically explained how the claimant's injury caused a total inability to work in the qualifying periods and that there are other records that indicate that the claimant had the ability to work in the relevant qualifying periods. Nothing in our review of the record reveals that the hearing officer's determinations in that regard are 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 the hearing officer's good faith determination, or the determination that the claimant is not entitled to SIBs for the 15th and 16th quarters, on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer also did not err in determining that the claimant did not satisfy the good faith requirement pursuant to Rule 130.102(e) by documenting a job search during each week of the 15th and 16th quarter qualifying periods. The evidence in the record demonstrates that the claimant did not look for work in the qualifying period for the 15th quarter and that the claimant did not document a job search in each week of the qualifying period for the 16th quarter. Accordingly, the hearing officer did not err in determining that the claimant did not satisfy the good faith requirement under Rule 130.120(e), which specifically requires that "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."

Finally, the claimant argues that he should not be responsible for looking for work because his doctor told him he had no ability to work and that he should not be expected to have made a job search every week before he was advised that he needed to do so. Essentially, the claimant is arguing that he was unaware of the applicable rules for establishing entitlement to SIBs. Ignorance of the law does not excuse noncompliance with it. Texas Workers' Compensation Commission Appeal No. 951487, decided October 19, 1995. Accordingly, we find no merit in this point on appeal.

The hearing officer's decision and order are affirmed.

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

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

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Elaine M. Chaney  
Appeals Judge

CONCUR:

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Thomas A. Knapp  
Appeals Judge

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Margaret L. Turner  
Appeals Judge