

APPEAL NO. 040479  
FILED APRIL 26, 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 February 18, 2004. The hearing officer determined that appellant (claimant) is not entitled to supplemental income benefits (SIBs) for the third and fourth quarters. Claimant appealed the determinations regarding good faith and SIBs entitlement on sufficiency grounds. Respondent (carrier) responded that the Appeals Panel should affirm the hearing officer's decision and order.

DECISION

We affirm.

The parties stipulated that the qualifying period in question ran from May 7 through August 5, 2003. Claimant claimed a total inability to work during the third quarter qualifying period. We note that claimant complains that he was not released to return to work until October 2003, so he did not begin looking for work until then. The record reflects that claimant's treating doctor, Dr. R, stated in an August 8, 2003, letter that claimant could do sedentary work. The hearing officer found that there is no narrative report from a doctor that specifically explains how the injury caused a total inability to work during the qualifying period in question. Therefore, claimant was required to search for work. Claimant also complains that Dr. A did not consider the entire injury when he said claimant could do some work. However, given the lack of a narrative in this case, claimant was required to look for work whether or not carrier produced a record from Dr. A showing claimant could work. We perceive no reversible error under these facts. The hearing officer did not err in determining that claimant is not entitled to third quarter SIBs.

Claimant contends that the hearing officer erred in determining that he is not entitled to fourth quarter SIBs. The parties stipulated that the qualifying period in question ran from August 6 through November 4, 2003. The hearing officer determined that claimant did not look for work every week of the qualifying period. Claimant said he could not look for work during some periods because his children were ill and he is a single parent. However, there is no good cause exception to the rule requiring a good faith job search. Error is not shown by the record.

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 **LIBERTY INSURANCE CORPORATION** 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.**

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Judy L. S. Barnes  
Appeals Judge

CONCUR:

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Veronica L. Ruberto  
Appeals Judge

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Edward Vilano  
Appeals Judge