

APPEAL NO. 041659
FILED SEPTEMBER 1, 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 April 28, 2004, and June 23, 2004. The hearing officer determined that respondent (claimant) is entitled to supplemental income benefits (SIBs) for the ninth quarter, but that she is not entitled to SIBs for the eighth quarter. Appellant (carrier) appealed the determinations regarding good faith and SIBs entitlement related to the ninth quarter. The file does not contain a response from claimant. The determinations regarding eighth quarter SIBs have not been appealed and have become final.

DECISION

We affirm.

We have reviewed the complained-of determinations regarding good faith and SIBs entitlement regarding the ninth quarter and conclude that the issues involved fact questions for the hearing officer. The hearing officer reviewed the record and decided what facts were established. The hearing officer could consider claimant's Individualized Plan for Employment (IPE), claimant's testimony, and the February 10, 2004, report from the Texas Rehabilitation Commission (TRC) and determine that claimant was satisfactorily participating in a full-time rehabilitation program sponsored by the TRC during the qualifying period. See Texas Workers' Compensation Commission Appeal No. 000001, decided February 16, 2000. We conclude that the hearing officer's determinations in this regard 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 **INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA** 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.**

Judy L. S. Barnes
Appeals Judge

CONCUR:

Daniel R. Barry
Appeals Judge

Chris Cowan
Appeals Judge