

APPEAL NO. 041669
FILED AUGUST 30, 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 March 1, 2004. The hearing officer determined that the appellant (claimant) is not entitled to supplemental income benefits (SIBs) for the 11th quarter. The claimant appealed that determination and the respondent (carrier) did not file a response. In Texas Workers' Compensation Commission Appeal No. 040709, decided May 19, 2004, we remanded the case back to the hearing officer for reconstruction of the record due to an inaudible audiotape of the proceedings. On June 18, 2004, the hearing officer issued a new decision in which he summarized the proceedings. The hearing officer again determined that the claimant is not entitled to SIBs for the 11th quarter. The claimant again appealed and the carrier responded.

DECISION

Affirmed.

The parties stipulated that the qualifying period for the 11th quarter was from August 28 through November 26, 2003. The claimant sought entitlement to SIBs based upon his satisfactory participation in a full-time vocational rehabilitation program sponsored by the Texas Rehabilitation Commission (TRC) during the relevant qualifying period. In evidence are two letters from the TRC dated November 20, 2003, and December 30, 2003. Both letters indicated that the claimant was not being sponsored by the TRC at the time due to his failure to meet the TRC's requirements. We have reviewed the complained-of determination and conclude that the disputed issue involved a factual question for the hearing officer to resolve. The hearing officer reviewed the record and decided what facts were established. In light of the evidence from the TRC, we conclude that the hearing officer's determination is supported by the record and is 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 **AMERICAN MANUFACTURERS MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

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

Daniel R. Barry
Appeals Judge

CONCUR:

Robert E. Lang
Appeals Panel
Manager/Judge

Robert W. Potts
Appeals Judge