

APPEAL NO. 032301
FILED OCTOBER 8, 2003

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 August 5, 2003. With respect to the issues before him, the hearing officer determined that the respondent (claimant) is entitled to supplemental income benefits (SIBs) for the first quarter, which ran from May 24 to August 22, 2002; the fourth quarter, which ran from February 21 to May 22, 2003; and the fifth quarter, which ran from May 23 to August 21, 2003. The appellant (carrier) appealed, arguing that those determinations are not supported by sufficient evidence. The claimant responds and urges affirmance.

DECISION

Affirmed.

The requirements for entitlement to SIBs are set out in Section 408.142 and in Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102 (Rule 130.102). The parties stipulated that the claimant sustained a compensable injury on _____; that the claimant has a 17% impairment rating; and that the qualifying period for the first quarter is February 9 to May 10, 2002; for the fourth quarter is November 9, 2002, to February 7, 2003; and for the fifth quarter is February 8 to May 9, 2003. With regard to the required "good faith effort," the hearing officer was satisfied that the claimant proved that she looked for work commensurate with her ability to work during every week of the relevant qualifying periods and that she documented those job search efforts. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence and decides what facts the evidence has established (Garza v. Commercial Ins. Co., 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ)). Nothing in our review of the record reveals that the hearing officer's good faith determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Thus, no sound basis exists for us to reverse the challenged good faith determination, or the determination that the claimant is entitled to SIBs for the first, fourth, and fifth quarters, on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the self-insured is **LUMBERMENS MUTUAL CASUALTY COMPANY** and the name and address of its registered agent for service of process is

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

Elaine M. Chaney
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Edward Vilano
Appeals Judge