

APPEAL NO. 041878
FILED SEPTEMBER 21, 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 June 30, 2004. The hearing officer determined that the respondent (claimant) had disability from December 21, 2003, through the date of the hearing. The appellant (carrier) appeals this determination, asserting that the hearing officer applied an improper standard. No response was filed.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant had disability from December 21, 2003, through the date of the hearing. We have said that the compensable injury need not be the sole cause of an inability to obtain or retain employment; that the focus of the inquiry is on the claimant's inability to obtain and retain employment at the preinjury wage; and the fact that a termination was for cause does not, in itself, foreclose the existence of disability. Texas Workers' Compensation Commission Appeal No. 990655, decided May 13, 1999. It was for the hearing officer, as the trier of fact, to resolve the conflicts and inconsistencies in the evidence and to determine what facts had been established. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). Contrary to the carrier's assertion, we cannot conclude that the hearing officer applied an improper legal standard, nor can we conclude that the hearing officer's determination is 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).

The decision and order of the hearing officer is affirmed.

The true corporate name of the insurance carrier is **ZURICH AMERICAN INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**LEO MALO
ZURICH NORTH AMERICA
12222 MERIT DRIVE, SUITE 700
DALLAS, TEXAS 75251.**

Edward Vilano
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Robert W. Potts
Appeals Judge