

APPEAL NO. 041917  
FILED SEPTEMBER 14, 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 appellant (claimant) did not have disability through June 30, 2004, as a result of his \_\_\_\_\_, compensable injury. The claimant appealed on sufficiency of the evidence grounds. The respondent (carrier) responded, urging affirmance.

DECISION

Affirmed.

The hearing officer did not err in making the complained-of determination. The determination involved a question of fact for the hearing officer to resolve. 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, including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). There was conflicting evidence presented on the disputed issue. In the instant case, the hearing officer determined that the claimant voluntarily separated his employment with the employer for reasons unrelated to his compensable injury. We have held that a claimant's voluntary resignation is a factor that the hearing officer may consider when deciding whether or not the claimant has disability, but resignation does not automatically preclude a finding of disability. Texas Workers' Compensation Commission Appeal No. 021818, decided August 26, 2002. If the hearing officer determines that the cause of the claimant's reduced earnings is the resignation, disability ends. Texas Workers' Compensation Commission Appeal No. 990920, decided June 16, 1999. In view of the evidence presented, we cannot conclude that the hearing officer's determination that the claimant separated his employment with the employer for reasons unrelated to his compensable injury and that he did not have disability 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 are affirmed.

The true corporate name of the insurance carrier is **THE 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.**

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Daniel R. Barry  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Thomas A. Knapp  
Appeals Judge