

APPEAL NO. 012108
FILED SEPTEMBER 26, 2001

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 8, 2001, with the record closing on August 9, 2001. The appellant (claimant) appeals the hearing officer's determinations that he did not sustain a compensable injury on _____, and that because he did not sustain a compensable injury he did not have disability. The respondent (carrier) responds, urging affirmance.

DECISION

Affirmed.

There was conflicting evidence presented at the hearing on the issues. The hearing officer weighed the credibility and inconsistencies in the evidence, and the hearing officer's determinations are not 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 (Tex. 1986).

Given our affirmance of the hearing officer's determination that the claimant did not sustain a compensable injury, we likewise affirm his determination that the claimant did not have disability. By definition, the existence of a compensable injury is a prerequisite to a finding of disability. Section 401.011(16).

In his brief, the claimant offers testimony and complains about matters for the first time on appeal. We will not generally consider evidence raised for the first time on appeal and not submitted into the record. Texas Workers' Compensation Commission Appeal No. 92255, decided July 27, 1992.

With regard to the claimant's assertion regarding the adequacy of the assistance provided by the ombudsman, we generally do not review whether an ombudsman satisfactorily assisted an employee. Texas Workers' Compensation Commission Appeal No. 981823, decided September 18, 1998 (unpublished). Our review of the record exposes no mention by the claimant wherein he voiced dissatisfaction with the ombudsman's assistance and we find no merit in the claimant's generalized complaint concerning the assistance provided by the ombudsman. Texas Workers' Compensation Commission Appeal No. 941243, decided October 26, 1994.

The hearing officer's decision and order are affirmed.

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

**CORPORATION SERVICE COMPANY
800 BRAZOS, STE. 750, COMMODORE 1
AUSTIN, TEXAS 78701.**

Michael B. McShane
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Susan M. Kelley
Appeals Judge