

APPEAL NO. 012603
FILED DECEMBER 4, 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 October 3, 2001. The hearing officer determined that appellant (claimant) is not entitled to supplemental income benefits (SIBs) for the first quarter. Claimant appealed this determination on sufficiency grounds. Respondent (carrier) responded that the Appeals Panel should affirm the hearing officer's decision and order.

DECISION

We affirm.

We have reviewed the complained-of determination regarding SIBs and good faith and conclude that the issue involved a fact question for the hearing officer. The hearing officer reviewed the record and decided what facts were established. The hearing officer could find that claimant failed to provide a sufficient narrative which specifically explained why he had no ability to work. Regarding a good faith job search, the hearing officer could find from the evidence that claimant failed to document a job search during three weeks of the qualifying period. We conclude that the hearing officer's determination that claimant is not entitled to SIBs for the first quarter 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).

Claimant has attached documents to his appeal that were not admitted at the hearing. Generally, we will not consider evidence not submitted into the record but offered for the first time on appeal. Texas Workers' Compensation Commission Appeal No. 92255, decided July 27, 1992. To determine whether evidence offered for the first time on appeal requires that case be remanded for further consideration, we consider whether it came to the party's knowledge after the hearing, whether it is cumulative, whether it was through lack of diligence that it was not offered at the hearing, and whether it is so material that it would probably produce a different result. Texas Workers' Compensation Commission Appeal No. 93111, decided March 29, 1993; Black v. Wills, 758 S.W.2d 809 (Tex. App.-Dallas 1988, no writ). We decline to consider this evidence for the first time on appeal.

We affirm the hearing officer's decision and order.

According to information provided by carrier, the true corporate name of the insurance carrier is **POTOMAC INSURANCE COMPANY OF ILLINOIS** and the name and address of its registered agent for service of process is

**C. J. FIELDS
5910 N. CENTRAL EXPRESSWAY, SUITE 500
DALLAS, TEXAS 75206.**

Judy L. S. Barnes
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Robert W. Potts
Appeals Judge