

APPEAL NO. 021036
FILED JUNE 13, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on April 3, 2002. The hearing officer determined that the appellant (claimant) was not in the course and scope of employment at the time of the claimed injury on _____. The claimant appeals, attaching new evidence to her appeal, and contending that the hearing officer erred in his application of law to fact and that the hearing officer was biased.

DECISION

Affirmed.

We briefly address the claimant's assertion that the hearing officer was biased in favor of the carrier. After carefully reviewing the record, we cannot agree that the hearing officer's decision in this instance was the product of bias or prejudice. Rather, we believe that his determination was the result of his resolving the conflicts and inconsistencies in the evidence and assessing credibility.

Regarding the additional evidence attached to the claimant's appeal, we note that it is a drawing and pictures of her employer's premises that could have been compiled prior to the CCH. We do not normally consider evidence submitted for the first time on appeal and we do not find the newly submitted evidence to meet the requirements set out in Black v. Wills, 758 S.W.2d 809 (Tex. App.-Dallas 1988, no writ).

After review of the record and the complained-of determination, we have concluded that there is sufficient legal and factual support for the hearing officer's decision. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1976).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** 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.**

Roy L. Warren
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Susan M. Kelley
Appeals Judge