

APPEAL NO. 021335
FILED JULY 16, 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 remand on April 9, 2002. The appellant (claimant) appeals the hearing officer's determination that he did not sustain a compensable injury on _____, and that he did not have disability as a result of a compensable injury. The respondent (carrier) files a response, urging affirmance.

DECISION

Affirmed.

The claimant attaches new evidence to his appeal that was rejected at the first CCH by the hearing officer and not offered at the second CCH. We do not normally consider evidence submitted for the first time on appeal and we do not find the new evidence submitted to meet the requirements set out in Black v. Willis, 758 S.W.2d 809 (Tex. App.-Dallas 1988, no writ).

Conflicting evidence was offered on the issues. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)), resolves the conflicts and inconsistencies in the evidence (Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ)), and determines what facts have been established from the conflicting evidence. St. Paul Fire & Marine Insurance Company v. Escalera, 385 S.W.2d 477 (Tex. Civ. App.-San Antonio 1964, writ ref'd n.r.e.). As an appellate-reviewing tribunal, the Appeals Panel will not disturb the challenged factual findings of a hearing officer unless they are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust and we do not find them so in this case. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951).

We affirm the hearing officer's decision and order.

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

**CORPORATION SERVICE
800 BRAZOS, SUITE 330
1 COMMODORE PLAZA
AUSTIN, TEXAS 78701.**

Roy L. Warren
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Michael B. McShane
Appeals Judge