

APPEAL NO. 021465  
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 May 15, 2002. The hearing officer determined that appellant's (claimant) compensable injury of \_\_\_\_\_, does not extend to and include claimant's lumbar spine, and that she did not have disability from March 27, 2001, through May 15, 2002. The claimant appealed, arguing essentially that the hearing officer erred in determining extent of injury and disability. The respondent (carrier) responded urging affirmance.

DECISION

Affirmed.

The claimant attached evidence admitted at the CCH and new evidence to her appeal, which would purportedly show that her compensable injury of \_\_\_\_\_, extends to include her lumbar spine. Documents submitted for the first time on appeal are generally not considered unless they constitute newly discovered evidence. 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). Upon our review, the evidence offered is not so material that it would probably produce a different result. The evidence, therefore, does not meet the requirements for newly discovered evidence and will not be considered on appeal.

The issues of whether the claimant's compensable injury extends to include the lumbar spine and whether the claimant had disability are factual determinations for the hearing officer to resolve. The hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence, as well as the weight and credibility that is to be given to the evidence. Section 410.165(a). 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. 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 have reviewed the matters complained of on appeal and conclude that the hearing officer's decision is supported by sufficient evidence.

We affirm the decision and order of the hearing officer.

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

**GAIL L. ESTES**  
**1525 NORTH INTERSTATE 35 E, SUITE 220**  
**CARROLLTON, TEXAS 75006.**

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Gary L. Kilgore  
Appeals Judge

CONCUR:

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Thomas A. Knapp  
Appeals Judge

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Susan M. Kelley  
Appeals Judge