

APPEAL NO. 021653
FILED ON JULY 31, 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 June 12, 2002. The hearing officer determined that the appellant's (claimant) _____, compensable (cervical and lumbar spine) injury does not extend to an injury to the thoracic spine.

The claimant appeals, taking issue with some of the hearing officer's wording and asserting she injured her entire back in the compensable injury. Attached to the claimant's appeal is a list of "Exhibits" entitled "Evidence improperly admitted or not admitted." The respondent (carrier) responds, urging affirmance.

DECISION

Affirmed.

Attached to the claimant's appeal are documents and other medical reports, some of which were part of the exhibits at the CCH and many others which were not offered at the CCH. The Appeals Panel does not generally consider evidence not submitted into the record at the CCH and raised for the first time on appeal. Texas Workers' Compensation Commission Appeal No. 021216, decided June 24, 2002. We have reviewed the evidence the claimant attached to her appeal and conclude that it does not meet the standard for consideration for the first time on appeal. Black v. Wills, 758 S.W.2d 809 (Tex. App.-Dallas 1988, no writ).

The claimant testified that she sat down "unusually hard" in her chair on _____. The parties stipulated that the carrier accepted liability for a cervical and lumbar injury. The evidence is conflicting regarding complaints of an injury to the thoracic area of the spine.

We have reviewed the complained-of determination and conclude that the extent-of-injury issue involved a fact question for the hearing officer to resolve. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determination 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).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **CUMIS INSURANCE SOCIETY, INC.** and the name and address of its registered agent for service of process is

**RICK D. POWELL
4455 LBJ FREEWAY, SUITE 1008
DALLAS, TEXAS 75244.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Daniel R. Barry
Appeals Judge

Gary L. Kilgore
Appeals Judge