

APPEAL NO. 022924
FILED JANUARY 2, 2003

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 October 22, 2002. The hearing officer determined that the appellant's (claimant) compensable (contused coccyx and right knee) injury did not include an injury to the neck and that the claimant did not have disability as a result of the compensable injury of _____.

The claimant appealed on a sufficiency of the evidence basis, expounding on his testimony at the CCH, adding some new facts. The respondent (carrier) responded, urging affirmance.

DECISION

Affirmed.

First, we note that our review of the case is limited to the record developed at the CCH and we will not normally consider statements from the claimant submitted for the first time on appeal. See Black v. Wills, 758 S.W.2d 809 (Tex. App.-Dallas 1988, no writ) for the standard which might require a remand. We do not find that appropriate here.

On the merits, the claimant was a flight attendant who sustained a compensable injury on _____, when some air turbulence caused the claimant to hit his head and right knee and fall on his buttocks. The claimant was seen in an emergency room (ER) and diagnosed with a contusion to the coccyx and right knee (accepted by the carrier). The claimant agreed he received no further medical treatment until July 2000, when he was treated for a left thumb injury. Although the claimant contends the thumb was a symptom of a neck injury, the history recites that the claimant jammed his thumb on a "cart." The next documented medical treatment was in December 2001, when the claimant complained of head pain and balancing problems. An MRI performed December 14, 2001, revealed a herniated disc at C5-6. The claimant had a cervical discectomy and fusion on January 8, 2002. The claimant subsequently sought to attribute the cervical injury to his compensable _____, injury. The hearing officer notes a report dated December 26, 2001, from the treating surgeon and comments:

Interestingly, [the doctor] noted that the claimant's history was significant for a laceration on the left side of the head just behind the hairline "years ago." The [ER] records of April 25, 1998 do not contain any entry of a laceration to the head or treatment for head trauma.

The hearing officer determined that the claimant failed to prove that he injured his cervical spine on _____, and that the claimant's inability to work was the result of his cervical problem, not his compensable injury.

We have reviewed the complained-of determinations and conclude that the issues involved fact questions for the hearing officer. The hearing officer reviewed the record and decided what facts were established. We hold that the hearing officer's determinations are 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 **INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA** and 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.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Edward Vilano
Appeals Judge