APPEAL NO. 023261
FILED FEBRUARY 10, 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 December 2, 2002. The hearing officer determined that the appellant (claimant) did not sustain a compensable injury; that the alleged date of injury is _____; that the claimant did not have disability from a compensable injury; and that the claimant timely reported the injury to her employer. The claimant appeals the determinations that she did not sustain a compensable injury or have disability from a compensable injury. The respondent (carrier) responds, urging affirmance. The determinations that the date of the alleged injury is _____, and that the claimant timely reported her alleged injury have not been appealed.

DECISION

Affirmed.

We note at the outset that the claimant attempts to introduce new evidence and testimony that was not entered into evidence at the CCH. Although the claimant also attaches some copies of documents submitted into evidence at the CCH to her appeal, there are numerous handwritten notes annotated thereon that were not on the documents when admitted into evidence at the CCH. The review of the Appeals Panel is generally limited to the record developed at the hearing. Section 410.203. In determining whether new evidence submitted with an appeal requires remand for further consideration, the Appeals Panel considers whether the evidence came to the knowledge of the party after the hearing, whether it is cumulative of other evidence of record, whether it was not offered at the hearing due to a lack of diligence, and whether it is so material that it would probably result in a different decision. *See* Texas Workers' Compensation Commission Appeal No. 93536, decided August 12, 1993. Under these circumstances, we cannot conclude that the attached documents meet the criteria for requiring a remand and we decline to consider them for the first time on appeal.

Essentially, the claimant quarrels with the manner in which the hearing officer gave weight and credibility to the evidence. The 1989 Act makes the hearing officer the sole judge of the weight and credibility to be given to the evidence. Section 410.165(a). The finder of fact may believe that the claimant has an injury, but disbelieve that the injury occurred at work as claimed. Johnson v. Employers Reinsurance Corp., 351 S.W.2d 936 (Tex. Civ. App.-Texarkana 1961, no writ). A fact finder is not bound by medical evidence where the credibility of that evidence is manifestly dependent upon the credibility of the information imparted to the doctor by the claimant. Rowland v. Standard Fire Ins. Co., 489 S.W.2d 151 (Tex. Civ. App.-Houston [14th Dist.] 1972, writ ref'd n.r.e.). An appellate body is not a fact finder and does not normally pass upon the credibility of witnesses or substitute its judgment for that of the trier of fact, even if the evidence would support a different result. Texas Workers' Compensation Commission

Appeal No. 950084, decided February 28, 1995. Our review of the record reveals that the hearing officer's determinations are supported by sufficient evidence and that they are not so contrary to the overwhelming weight of the evidence as to be clearly wrong or unjust. Thus, no sound basis exists for us to disturb the determinations that the claimant did not sustain a compensable injury or disability on appeal. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the decision and order of the hearing officer.

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

PAUL DAVID EDGE
6404 INTERNATIONAL PARKWAY, SUITE 1000
PLANO, TEXAS 75093.

_____
Roy L. Warren
Appeals Judge

CONCUR:

_____
Judy L. S. Barnes
Appeals Judge

_____
Michael B. McShane
Appeals Panel
Manager/Judge