

APPEAL NO. 030094
FILED FEBRUARY 19, 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 was held on December 10, 2002. The hearing officer determined that appellant (claimant) is not entitled to supplemental income benefits (SIBs) for the 11th quarter. Claimant appealed the hearing officer's determinations on sufficiency grounds. Respondent (carrier) responded that the Appeals Panel should affirm the hearing officer's decision and order.

DECISION

We affirm as reformed.

We first reform Finding of Fact No. 2 to state that claimant sustained a compensable injury to her neck and "left wrist" rather than her right wrist. It appears that the hearing officer made a clerical error in making this determination. No reversible error resulted, however.

Claimant contends that the hearing officer erred in determining that she did not make a good faith effort to obtain employment commensurate with her ability to work. Claimant asserts that she looked for employment commensurate with her ability to work every week of the qualifying period. We have reviewed the complained-of determinations regarding SIBs and good faith 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 conclude that the hearing officer's determinations are supported by the record and 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).

Claimant contends that the "evidence that was presented was improper and untruthful." There was evidence that carrier's rehabilitation counselor had told claimant that claimant's actions with the employer amounted to telling the employer she did not want the job. We perceive no error.

Claimant attached a document to her brief that was not admitted at the hearing. Documents submitted for the first time on appeal are generally not considered unless they constitute admissible, newly discovered evidence. We conclude that these attachments to claimant's appeal do not meet the requirements of newly discovered evidence necessary to warrant a remand. Having reviewed the document, we conclude that its admission on remand would not have resulted in a different decision. 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).

We affirm the hearing officer's decision and order as reformed.

According to information provided by carrier, the true corporate name of the insurance carrier is **TEXAS MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**MR. RUSSELL K. OLIVER
221 WEST 6TH STREET
AUSTIN, TX 78701**

Judy L. S. Barnes
Appeals Judge

CONCUR:

Daniel R. Barry
Appeals Judge

Thomas A. Knapp
Appeals Judge