

APPEAL NO. 030851
FILED MAY 28, 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 January 27, 2003. The hearing officer resolved the disputed issues by deciding that the appellant (claimant) sustained a compensable injury on _____; that she sustained disability as result of the compensable injury of _____, on April 4, 19-22 and May 1-2, 2002, and for no other period; and that the respondent (carrier) is not relieved from liability under Section 409.002 because the claimant timely notified her employer pursuant to Section 409.001. The claimant appealed the hearing officer's disability determination. The appeal file does not contain a response from the carrier. The hearing officer's injury and timely notice to the employer determinations have not been appealed and have become final pursuant to Section 410.169.

DECISION

Affirmed.

The claimant attached to her appeal documents that were not offered at the hearing. The attached documents purport to be medical bills, ongoing medical treatment, and school schedule change forms. 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 documents, we conclude that their 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 have reviewed the complained-of determination. Whether the claimant has disability is an issue for the hearing officer, as fact finder, to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). The hearing officer was acting within her province as the fact finder in resolving the disability issue. The evidence supports the hearing officer's determination that the claimant had disability on April 4, April 19-22, and May 1-2, 2002. Nothing in our review of the record demonstrates that the hearing officer's determination is so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986); Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order is affirmed.

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

GARY SUDOL
9330 LBJ FREEWAY, SUITE 1200
DALLAS, TEXAS 75243.

Veronica Lopez
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Edward Vilano
Appeals Judge