

APPEAL NO. 030935
FILED JUNE 4, 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 March 20, 2003. The hearing officer resolved the disputed issues by deciding that the appellant/cross-respondent's (claimant) compensable injury of _____, does extend to include a herniation at L4-5, but that the compensable injury does not extend to include a psychological injury. The claimant appealed the hearing officer's determination that the compensable injury does not extend to include a psychological injury. The respondent/cross-appellant (carrier) appealed the hearing officer's determination that the compensable injury extends to include a herniation at L4-5. Each party filed a response.

DECISION

Affirmed.

We do not consider on appeal the written statements attached to the claimant's appeal, all of which are dated prior to the CCH, and none of which were offered or admitted as evidence at the CCH. The Appeals Panel considers the record developed at the CCH. Section 410.203(a)(1). Furthermore, the written statements attached to the claimant's appeal do not meet the requirements for newly discovered evidence. Jackson v. Van Winkle, 660 S.W.2d 807 (Tex. 1983).

It is undisputed that the claimant sustained a compensable injury. Conflicting evidence was presented on the issue of whether the compensable injury extends to include a herniation at L4-5 and a psychological injury. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. We conclude that the hearing officer's decision that the compensable injury extends to include a herniation at L4-5, but does not extend to include a psychological injury is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the hearing officer's decision and order.

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
AUSTIN, TEXAS 78701.**

Robert W. Potts
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Gary L. Kilgore
Appeals Judge