

APPEAL NO. 031001  
FILED JUNE 5, 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 March 20, 2003. The hearing officer determined that appellant (claimant) is not entitled to supplemental income benefits (SIBs) for the 16th quarter. Claimant appealed the determinations related to good faith and SIBs on sufficiency grounds. Claimant also complains that carrier did not appear at the hearing. Respondent (carrier) responded that the Appeals Panel should affirm the hearing officer's decision and order.

DECISION

We affirm.

We first note that, despite claimant's contentions, carrier did make an appearance at the hearing through its legal representative. We next note that claimant attached to her brief a medical report 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. The report does not appear to be particularly relevant to the issues before us. Claimant did not explain why she was unable to obtain this document at an earlier time. We conclude that this attachment to claimant's appeal does 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 have reviewed the complained-of determinations regarding the adequacy of claimant's narrative, good faith, and SIBs entitlement and conclude that the issues involved fact questions for the hearing officer. The hearing officer reviewed the record and decided what facts were established. The hearing officer could find from the evidence that claimant did not provide an adequate narrative from a doctor in this case. Although she provided a medical report from Dr. L saying that she has no ability to work, Dr. L did not say whether claimant had no ability to work due to the compensable injury. Instead, Dr. L discussed all of claimant's medical conditions and problems. Claimant had the burden to prove that they had no ability to work *due to the compensable back injury*. The hearing officer could find that she did not meet her burden. We conclude that no reversible error resulted from the hearing officer's discussion of the facts. 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).

We affirm the hearing officer's decision and order.

According to information provided by carrier, the true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** 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.**

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Judy L. S. Barnes  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Edward Vilano  
Appeals Judge