

APPEAL NO. 031117
FILED JULY 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 (CCH) was held on April 24, 2003. The hearing officer resolved the disputed issues by deciding that the appellant's (claimant) compensable injury of _____, extends to include injuries to the claimant's low back and cervical spine in the form of a lumbar and cervical sprain/strain; that the claimant has not had disability resulting from the compensable injury of _____; and that the claimant should not be allowed to change treating doctors from Dr. P to Dr. B. The claimant appealed the hearing officer's decision, and the respondent (carrier) responded.

DECISION

Affirmed.

The claimant attached two documents to his appeal that were not offered or admitted at the CCH. We do not consider the documents attached to the claimant's appeal because Section 410.203(a)(1) provides that the Appeals Panel shall consider the record developed at the CCH, and because we do not believe that the documents attached to the claimant's appeal satisfy the requirements for newly discovered evidence as set forth in Jackson v. Van Winkle, 660 S.W.2d 807 (Tex. 1983). See Texas Workers' Compensation Commission Appeal No. 93280, decided May 26, 1993.

Conflicting evidence, including conflicting medical opinions, was presented at the CCH on the disputed issues of the extent of the compensable injury, disability, and change of treating doctors. 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. Although there is conflicting evidence in this case, we conclude that the hearing officer's determinations are supported by sufficient evidence and are 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 **TEXAS MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**MR. RUSSELL R. OLIVER, PRESIDENT
221 WEST 6TH STREET
AUSTIN, TEXAS 78701.**

Robert W. Potts
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Thomas A. Knapp
Appeals Judge